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# CONGRESSIONAL RECORD:

CONTAINING

## THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, FIRST SESSION.

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IN SIX PARTS, WITH AN INDEX.

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VOLUME II.

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# CONGRESSIONAL RECORD. AND APPENDIX.

FORTY-THIRD CONGRESS, FIRST SESSION.

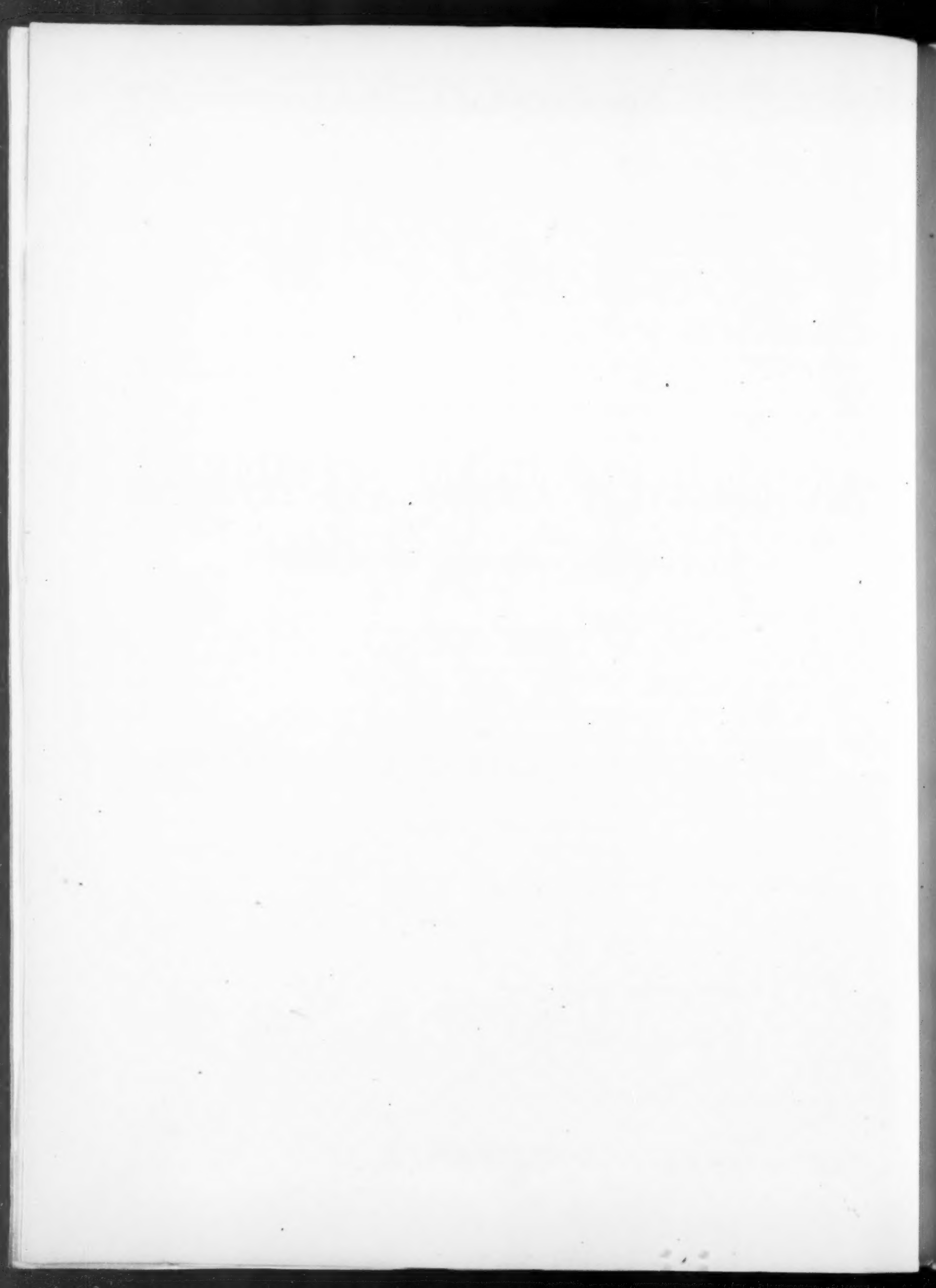
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## PART VI.

# CONGRESSIONAL RECORD AND APPENDIX.

[ From June 15, 1874, to June 23, 1874. ]

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late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870, having been received by the President on the 28th of May and not having been returned within the ten days prescribed by the Constitution had become a law without his approval.

The message also announced that the President had on the 12th instant approved and signed the act (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company.

#### THE BANKRUPT LAW.

Mr. EDMUNDS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with the following amendments thereto:

Section 1, line 5, after the word "thereof," insert "under the direction of the court."

Section 1, insert at the end of the section:

"Provided, That such order shall not be made until the court shall be satisfied that it is approved by a majority in value of the creditors."

Section 4, line 5, before the word "sales" insert "public."

Section 4, line 6, after the word "published" insert "once a week for three consecutive weeks."

Section 4, line 10, after the word "sales" insert "including the power to set aside the same, and to order a resale."

Section 4, line 13, strike out the words "in hand."

Section 4, line 13, strike out the words "in three equal" and insert in lieu thereof "within eighteen months in such."

Section 4, line 14, after the word "installments" insert "as the court may direct."

Section 4, lines 15 and 16, strike out the words "and payable at intervals of not more than six months between any two payments."

Section 4, line 23, strike out "one" and insert in lieu thereof "ten."

Section 4, line 39, strike out the word "or."

Section 4, line 41, strike out the words "think fit" and insert in lieu thereof "so order."

Section 4, lines 45 and 46, strike out the words "or deposit of any of the funds coming to his hands as such assignee," and insert in lieu thereof "disposal, or proceeds of the bankrupt's estate."

Section 4, line 56, strike out the word "three" and insert in lieu thereof "five."

Section 5, lines 1 and 2, strike out the words "adding after the word 'specifies' in line 35 the words," and insert in lieu thereof the words "striking out the words 'as the warrant specifies' where they first occur, and inserting the words 'as the marshal shall select, not exceeding two,' and inserting after the word 'specifies' where it last occurs, the words."

Section 9, line 11, strike out the word "three."

Section 9, line 14, after the word "of" insert "at least one-fourth of."

Section 9, line 15, before the word "value" insert "one-third in."

Section 9, lines 13 and 14, strike out the words "as prescribed by existing law."

Section 11, insert at the end of the section the words "And nothing in said section 35 shall be construed to invalidate any loan of actual value, or the security therefor, made in good faith, upon a security taken in good faith on the occasion of the making of such loan."

Section 12, line 15, after the word "court" insert "of the United States or."

Section 12, line 20, after the word "law" insert "of the United States or."

Section 12, line 32, after the words "being a" insert "bank."

Section 12, line 36, strike out "or."

Section 12, line 37, after the word "such" insert "or who, being a bank or banker, shall fail for forty days to pay any depositor upon demand of payment lawfully made."

Section 12, line 59, after the word "court" insert ("if satisfied that the admission was made in good faith.")

Insert as an additional section, after section 15 of the amendments, the following:

Section —. That section 49 of said act be amended by striking out after the word "the," in line 5, the words "supreme courts," and inserting in lieu thereof "district courts;" and in line 6, after the word "States," inserting the words "subject to the general superintendence and jurisdiction conferred upon circuit courts by section 2 of said act."

And that the numbering of the sections be changed so as to correspond with the foregoing amendment.

And the Senate agree to the same.

GEO. F. EDMUNDS,  
GEO. G. WRIGHT,  
A. G. THURMAN,

Managers on the part of the Senate.

LYMAN TREMAIN,  
BENJ. F. BUTLER,

Managers on the part of the House.

Mr. SAULSBURY. I should like the chairman to explain how this report affects the bill.

Mr. EDMUNDS. I will state that in substance, aside from mere verbal amendments of detail, the bill is as it passed the Senate with a modification as to voluntary bankruptcy, which I will state. As the bill passed the Senate, the voluntary bankrupt in order to obtain his discharge must pay 33 per cent. of the debts proved against him or have the assent of a majority of his creditors. Now it provides that the voluntary bankrupt, if he be otherwise entitled by honesty and fair dealing to be discharged at all, may obtain that discharge upon the payment of 30 per cent. of his debts or upon the assent of one-fourth in number and one-third in value of his creditors. This is the only substantial change.

The report was concurred in.

#### HOUR OF MEETING.

Mr. MORRILL, of Maine. I move that when the Senate adjourns to-day, it be to meet to-morrow at eleven o'clock.

The motion was agreed to.

#### CLOTHING FOR DISABLED VOLUNTEERS.

Mr. WEST. I ask the indulgence of the Senate to enable me to call up a bill that was laid over on Saturday in answer to an inquiry of

mine in reference to the amount of clothing that was needed in the Home for Disabled Volunteer Soldiers. The chairman of the Military Committee not being able to answer my inquiry at that moment, I have since informed myself that there are four thousand soldiers in these homes, and very great injury may be done them by not passing the bill which has been passed by the House. I ask the indulgence of the Senate to take it up.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to proceed to the consideration of the bill (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I move now that the Senate proceed to the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

Mr. STEVENSON. Will my friend give way?

Mr. WEST. When the bill is once taken up, I shall be willing to give way.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

Mr. SCOTT. I gave notice that I would move to take up the bill to which I referred for the payment of awards made by the claims' commissioners; but under the assurance given by the chairman of the Committee on Appropriations, and with a desire to avoid a waste of time in a conflict about the order of business, I yield and hope the appropriation bill will be taken up.

Mr. CHANDLER. I give notice that immediately after the passage of the post-office bill I shall antagonize the river and harbor bill against any other bill proposed in this body.

Mr. WEST. I ask for a vote on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

The motion was agreed to.

#### ANDERSON & WHITE.

Mr. STEVENSON. I ask leave of the Senate to take up a little bill that I wanted to take up yesterday. It is the bill (S. No. 657) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White. I have been away for a month, and I only ask a small indulgence in this case.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read and the amendment of the Committee on Claims, which was to strike out all after the enacting clause and in lieu thereof insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Anderson, surviving copartner of the firm of Anderson & White, the sum of \$6,385.54, in full of all claims of said Anderson & White, or either of them, against the Government of the United States, for cotton belonging to said firm, impressed for, and appropriated by, the authority of the Government of the United States to the defenses of Nashville, in August and September, 1862.

Mr. CONKLING. This was cotton used in the defenses of Nashville. How?

Mr. STEVENSON. Just taken and put in the fortifications.

Mr. CONKLING. Used as barricades, or in the fortifications, or used as armor on transports?

Mr. STEVENSON. I will state to the Senator that Mr. Anderson had so much cotton there, and the Government took so much of his cotton rendering him a receipt and promising to deliver it to him at a certain date. A board of commissioners was appointed to assess the damages, called by General Rousseau, and they assessed him this amount for his cotton, which was less than it cost him. The Committee on Claims, after duly investigating the subject, unanimously reported the bill reducing his claim to less than he paid for the cotton. If ever there was a claim of deserved merit, it seems to me this is one.

Mr. CONKLING. There is no member of this body whose request would make it more disagreeable to me than does the request of the Senator from Kentucky, to object to this or any other bill; but certainly the bill cannot pass without discussion, without explanation, without the reading of the report which I see accompanies the bill; and when the report shall be read, and the bill explained, it seems to me it will be a marvel yet, within all the precedents of the Senate, if cotton taken in the theater of war and used on the spot as fortifications, barricades, breast-works, barriers against shots actually flying in belligerent operations, is to be paid for by the Government of the United States or by the people of the United States because the armies of the United States thus stood behind this cotton, utilizing it as a barricade or fortification. I know of no principle announced in the Senate yet which has ever received the sanction of an understood vote which goes as far as that.

Mr. WEST. Mr. President—



Mr. CONKLING. A Senator near me wishes to be informed whether the cotton was sold afterward, and the money went into the Treasury.

Mr. STEVENSON. No; this cotton was entirely destroyed. The Government of the United States took a large quantity of cotton from this gentleman. He had a permit from the President of the United States, being a prominent administration man in Kentucky, to go and buy cotton. He went to Alabama and he bought cotton which was his property and paid for it, the bill of sale of which was before this committee, at thirty-nine cents per pound. In addition to that he undertook to transport it from Huntsville to Nashville on its way to New York. At Nashville an invasion of the city was apprehended, and the commanding general took his and other cotton for the use and object of making temporary barricades, giving to him a paper stating that he had taken his individual private cotton, and that he would return it to him. He did return a good deal of it, but fifty-odd bales were destroyed.

Mr. PRATT. Will my friend from Kentucky allow me to read the very stipulation which General Rousseau gave to the warehouseman in whose warehouse this cotton was taken at the time?

Captain Morton, of the Engineer Corps, is hereby authorized to take possession of it, (the cotton.) The proper receipts will be given for the cotton, and it will be restored at as early a day as possible. The owners are guaranteed against all losses except those which depend upon the fortunes of war.

Mr. CONKLING. How was this cotton destroyed if not by the fortunes of war?

Mr. PRATT. I will state that a large number of bales, three hundred I think, were taken at the time, and what this bill compensates Anderson and White for is the number of bales that were not restored to them. I do not remember just the exact number, but they were in the fortifications for some two months, and this is the deficit of cotton that was not restored to the owners.

Mr. CONKLING. The residue were rendered back under the stipulation.

Mr. PRATT. Yes, sir.

Mr. CONKLING. The more I hear of this the more I must object to the bill on its merits. If it is taken up now with the understanding that there is to be a discussion of the bill, the regard I have for my honorable friend from Kentucky will prevent my objecting to that; but the oath which rests upon me will prevent me ever assenting to the passage of this bill or any other involving this principle, until I am undeceived if indeed I be laboring under a delusion.

I recollect one time on the hustings, in a debate when a motion had been put forward in this direction, saying, and saying with a good deal of feeling, (and comments made upon it fastened it in my attention,) that the time would come when Jefferson Davis or some other man would claim of the United States compensation for cotton used by Grant as armor for his gun-boats when he ran the batteries at Vicksburg; and it was regarded, addressed to a northern audience, as the very extravaganza of illustration. Now, as I understand, we have before us the case not of Jefferson Davis but of another claimant, as to whom personally I say nothing, who comes here presenting a stipulation under which a quantity of cotton was taken from a store-house, the title to the cotton being in him, the stipulation agreeing that that cotton should be rendered back to him except so far as it should be destroyed by the fortunes of war. Being used as a barricade, being used as a barrier between death in war and the soldiers who stood behind it, so many bales of it perished, were destroyed in the actual conflict of war, in the crash of battle as I think I heard some Senator say the other day; and now because all the cotton was rendered back save only that which by the fortunes of war (to which by the terms of the stipulation it was subject) was destroyed, this claimant comes in and asks the people of the United States to pay to him all that he found this cotton minus, owing to the fortunes of war.

I say, Mr. President, that upon the principle of this bill, not only may occur just as well what I supposed in the case referred to, but every man whose cord-wood, whose fence-rails were used as barricades, every man behind whose buildings and erections a company or an army of the United States ever stood shielded from the bullets that were flying, might come here as well as this claimant comes and say "We want compensation;" and when they came they would not fall, as it seems to me this gentleman falls, on the wrong side of that line drawn by a receipt or stipulation which expressly exempted the United States from liability for so much of this cotton as should perish by the casualties of war. I must therefore object to the consideration of this bill now, unless it is to be taken up with the understanding that a thorough discussion will be allowed upon it.

Mr. SPENCER. Mr. President, it is now nearly half past five o'clock and I am satisfied this bill will not pass to-night. I ask the indulgence of the Senate—and I wish to say here that it is seldom I ask the indulgence of the Senate—to pass a bill which is No. 707 in the order of business.

Mr. STEVENSON. I am sorry to object, but as my bill is up I want it to fall, if it is to fall, by a direct vote.

Mr. SPENCER. I am satisfied that the bill I refer to will elicit no discussion. I am satisfied everybody in the Senate will see the great propriety of it.

The PRESIDENT *pro tempore*. The Senator from Kentucky has in substance moved that the post-office appropriation bill be laid aside informally for the purpose of considering the bill indicated by

him. The Chair will submit the question to the Senate. If that motion should not prevail the motion of the Senator from Alabama would be in order. The question is on the motion of the Senator from Kentucky.

The question being put, there were on a division—ayes 25, noes 21. Mr. CHANDLER called for the yeas and nays, and they were ordered.

Mr. CONKLING. Pending that motion, as I see no time is to be saved and all is to be lost to-day if we go on with this bill, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York. Before submitting the motion to the Senate the Chair will ask indulgence of the Senate to dispose of business on his table.

#### PENSION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

Mr. SARGENT. I move that the Senate insist on its amendments to the appropriation bill, and agree to the conference asked by the House of Representatives.

The motion was agreed to; and the President *pro tempore* being by unanimous consent authorized to appoint the conferees on the part of the Senate, Messrs. SARGENT, PRATT, and STOCKTON were appointed.

#### ANDERSON & WRIGHT.

Mr. STEVENSON. I rise to a question of order. Was not the bill moved by me taken up?

The PRESIDENT *pro tempore*. It was not.

Mr. STEVENSON. What was the vote?

The PRESIDENT *pro tempore*. The vote by division was 25 in the affirmative and 21 in the negative. Thereupon the yeas and nays were demanded, and pending the call of the roll the Senator from New York moved that the Senate proceed to the consideration of executive business, and thereupon the Chair asked indulgence to dispose of the business on his table.

Mr. STEVENSON. What will be the condition of this bill if the Senate should go into executive session now?

Mr. CONKLING. It would be like every other bill on the Calendar.

Mr. STEVENSON. Now I ask the Senate as a matter of courtesy to me (and I have never refused it to anybody) not to let a measure in which one of my constituents is personally interested be killed by indirection. I have no objection to any Senator debating it; but when he has debated it and put it to a vote and failed, I object to his attempting to kill it by indirection. Whether this bill is killed or not is a matter of no moment to me compared with the respect which I think I have a right to ask. I surely ought not to be treated in this style. I therefore hope—

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. STEVENSON. I hope the Senate as a personal favor to me will allow the vote to be taken whether this bill shall be taken up or not.

Mr. CONKLING. I withdraw the motion to proceed to the consideration of executive business. I do it in part because I see my honorable friend from Kentucky has some feeling on this subject and in part because he has placed me in a very false position, and I want to be allowed to occupy a moment in relieving myself.

The Senator speaks as if my motion to go into executive session was in some sort a device or contrivance by which the Senator himself or the bill to which his motion relates was to be put in a worse position than it was before. Not at all. The bill stands upon the Calendar. The Senator moves to take it up. That motion is in order to-morrow morning; it is in order every moment when the Senate is in session just as much as it is now. Inasmuch as we have reached now half after five o'clock the Senate will adjourn very soon, and it is obvious that the bill will be debated, so that it will go over in any event. I did not understand until my honorable friend made the remark he did that I was inflicting any injury upon him or upon his bill by asking the Senate to dispose of some executive matters which are on the table to-day, knowing that even if he succeeded in having the bill taken up it would go over until to-morrow and he would then be compelled to try the issue as he will be in any event. However, I have too much regard for the Senator from Kentucky to be willing, whether I see the reasonableness of his position or not, to seem to refuse any request which he makes of me; and therefore, although I am opposed to taking up the bill and although I shall insist upon discussing it after it is taken up and shall vote against it unless I misunderstand the nature of the case, I withdraw the motion to proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kentucky, upon which the yeas and nays have been ordered.

Mr. WEST. In yielding to the Senator from Kentucky to bring the bill in question before the Senate, I was apprised and understood from him that it would provoke no debate whatever. Now I shall be under the necessity, under the usage of the Senate, to insist upon the consideration of the post-office appropriation bill for the reason that if

the Senator's bill goes over until to-morrow the post-office appropriation bill will be again shut out. Now, if the Senate is willing to sit here to-night and finish this bill I cannot object; but in case of an adjournment, on the proposition to adjourn I shall again be obliged to insist on taking up the post-office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Louisiana can, before the adjournment, call for the regular order, which will place the post-office appropriation bill before the Senate.

Mr. STEVENSON. I understood the Senator from Louisiana did not propose to take up the post-office bill this evening.

Mr. WEST. The bill is up, but I yielded to the Senator temporarily to allow him to bring up a bill that I understood would not provoke debate.

Mr. MORRILL, of Vermont. I appeal to the Senator from Kentucky to allow me to call up a bill in order to keep alive some appropriations made for public buildings and grounds.

Mr. STEVENSON. Just let the roll-call proceed.

Mr. CHANDLER. I move that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 18, noes 26.

The PRESIDENT *pro tempore*. The roll-call will proceed on the motion of the Senator from Kentucky.

The yeas and nays were taken, and resulted—yeas 31, nays 12; as follows:

YEAS—Messrs. Alcorn, Boggs, Boreman, Buckingham, Clayton, Conover, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pratt, Ransom, Sargent, Saulsbury, Sprague, Stevenson, Stockton, Tipton, Wadleigh, and Windom—31.

NAYS—Messrs. Boutwell, Carpenter, Chandler, Conkling, Ferry of Michigan, Frelinghuysen, Morrill of Vermont, Oglesby, Pease, Spencer, Washburn, and Wright—12.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Cameron, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Jones, Logan, Morrill of Maine, Morton, Ramsey, Robertson, Schurz, Scott, Sherman, Stewart, Thurman, and West—30.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 657) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White.

Mr. CONKLING. I ask for a reading of the report in that case.

Mr. FRELINGHUYSEN. I would suggest now since the bill is taken up that we go into executive session.

Mr. STEVENSON. No; let the report be read; it is not very long.

Mr. CLAYTON. I move that the Senate adjourn.

Mr. WEST. Before that motion is put I shall insist on recalling the post-office appropriation bill. I cannot consent to have a regular appropriation bill shut out by a proposition to interject a bill that it was understood would not take any time.

Mr. STEVENSON. The chairman of the Committee on Appropriations told me that he did not propose to go on with the appropriation bill to-night. He left here telling me it would not be done, and I shall not interfere with the Senator to-morrow.

Mr. WEST. Then it is understood that whatever may be the action of the Senate in this case this evening, it will not interfere with the appropriation bill to-morrow.

Mr. STEVENSON. It will not.

Mr. WEST. All right.

Mr. STEVENSON. I shall only ask the Senate and my friend to give me a fair chance on this bill. If a majority of the Senate is opposed to it, I yield of course; but I do ask them, whether opposed to it or not, to give me a fair vote.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks that there may be unanimous consent that at the expiration of the morning hour to-morrow the post-office appropriation bill shall be considered as the unfinished business. The Chair makes this statement having as he fears led the Senator from Louisiana into a mistake by saying that he could call up the appropriation bill at any time before the adjournment. The Chair is of the opinion that after the vote by yeas and nays taking up this bill the post-office bill is postponed. Is there objection to unanimous consent that the post-office appropriation bill be considered the unfinished business for to-morrow? The Chair hears none. The Senator from Arkansas moves that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report submitted by Mr. GOLDTHWAITE, from the Committee on Claims, on the 3d of April last. After the reading had proceeded for twenty-five minutes,

Mr. CONKLING. Having called for the reading of this report which I did in the hope of its coming to the knowledge of the Senate, not to impose upon the Secretary a labor and not to occupy time, I call attention to the fact that, as I anticipated when the Senator from Kentucky insisted at twenty minutes to six o'clock upon going on with this bill, we now having reached five or ten minutes after the dinner hour of nearly every Senator here, we have no quorum and nothing like a quorum in the Chamber. I submit to the Senator from Kentucky whether it is worth while to compel those of us to stay who do not feel at liberty to go away, to proceed with a bill which whenever it comes to be acted upon favorably, if it shall, will certainly first be considered in the presence of a quorum of the Senate? The Secretary is performing a labor which is comparatively of no use, and we are sitting here losing our dinners, which would be a very

small matter if we were accomplishing any purpose; and I submit to the Senator from Kentucky that to stay here himself and keep us here, if as I think he does not advance one step, one inch in the consideration of his bill, is rather a needless piece of martyrdom. I call attention to it in order that the Senator from Kentucky may take notice of it, and also in order that he may take notice that under the rules of the Senate business cannot proceed without a quorum; and I think that if the Presiding Officer will look about he will see that dinner has prevailed against even my honorable friend from Kentucky whom I regard as one of the most enticing not to say one of the most seductive men I ever met, but even in the presence of his appeal men who have had nothing to eat since breakfast have gone off to get their dinners.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Kentucky insist upon concluding the reading of the report?

Mr. STEVENSON. I do not insist upon anything. I am learning something every day. I have seen courtesies extended again and again, and I know they are looked for. Now, while I thank the Senate for taking up this bill—and I do not mean to thank them without feeling a deep and grateful sense of the kindness shown to me, a courtesy which I hope I never shall deny to any Senator, but which has been so rudely on some sides denied to me to-day—I now yield. My friend from New York has accomplished the purpose he desires. While I am thankful to all the Senators who have remained, I now withdraw my request and let the case go over.

Mr. ALCORN. Do I understand that there is not a quorum present? I have not seen that developed.

The PRESIDENT *pro tempore*. Nothing has taken place to show that there is not a quorum. The reading of the report will be proceeded with if no motion be made.

Mr. CONKLING. In view of the last remark of the Senator from Kentucky, as he seems, despite of all the ineffectual efforts I have made to oblige him—

Mr. ALCORN. I believe I have the floor.

Mr. CONKLING. Then I rise to a question of order. My point of order is that there is no quorum present in the Senate and I ask the Presiding Officer under the rule to ascertain that fact to the end that we may proceed or not, as the case may be. I thought I understood something about courtesy; but I do not feel bound to stay here when I have had no food since early morning, unless it is going to be of some use to somebody.

The PRESIDENT *pro tempore*. The Chair understands that under the rules of the Senate business cannot commence in the morning until the Chair has ascertained in some way satisfactory to himself that there is a quorum present; but after business has commenced a quorum is presumed to be here until some proceeding is taken which shows the contrary. The Senator from New York can ask for a call of the Senate which will disclose the fact.

Mr. CONKLING. I can object to the further consideration of the report, move that it be dispensed with, and call for a division on that question. If put to that, I will do it.

Mr. ALCORN. I rise to a point of order. I having the floor I insist that that is not a point of order.

The PRESIDENT *pro tempore*. The Senator from New York rose to state a point of order, and was in order in doing so. The Senator from Mississippi now has the floor.

Mr. ALCORN. And upon that announcement I desire to trespass upon the patience of the Senate with the suggestion that although we may not have had our dinners—and I am sure I am in that category—still we owe it perhaps to the people that we should exercise on occasions like this some patience with the men who clamor for what they conceive to be their right in making a demand on the Government for that which they declare to be due them for spoiliations of their property made while the war was going on. As I see this bill is to be debated, I desire to offer a remark on the subject—

The PRESIDENT *pro tempore*. Unless the Senator from Mississippi raises a point of order he is out of order. The pending business is the reading of the report.

Mr. ALCORN. I moved that the reading be dispensed with, and I understood I had the consent of the Senate that that should be done, and that I had the floor upon the question.

The PRESIDENT *pro tempore*. The Senator may have got some consent from his fellows, but the Chair has heard nothing about it. Does the Senator make a motion that the further reading be dispensed with?

Mr. ALCORN. I did make that motion.

Mr. CONKLING. On that motion I demand a division.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the further reading of the report be dispensed with.

Mr. ALCORN. That motion to dispense with the further reading is debatable, I believe.

The PRESIDENT *pro tempore*. The Chair will submit the motion made by the Senator from Mississippi.

Mr. ALCORN. Upon that I desire to be heard.

The PRESIDENT *pro tempore*. The motion is not debatable. The Senate has ordered the reading of this report. The reading has proceeded for some time. The Senator can now move to dispense with it, but that question must be decided without debate.

Mr. ALCORN. I make that motion.



Mr. CONKLING. On that motion I demand a division.  
 Mr. ALCORN. I withdraw the motion.  
 Mr. CONKLING. I renew the motion, and demand a division.  
 Mr. SCOTT. Is a motion to adjourn in order?  
 The PRESIDENT *pro tempore*. Not while the Senate is dividing on this motion to dispense with the further reading of the report.  
 The question being put, there were on a division—ayes 11, noes 16; no quorum voting.  
 Mr. STEVENSON. I am exceedingly obliged to the friends who have manifested their regard for me, and I am unwilling to keep them here longer. I move, therefore, that the Senate do now adjourn.  
 The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate do now adjourn.  
 The motion was agreed to; and (at six o'clock and fourteen minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, June 15, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain of the Senate, Rev. BYRON SUNDERLAND, D. D.  
 The Clerk proceeded to read the Journal, but before concluding, Mr. GARFIELD asked unanimous consent that the further reading of the Journal be dispensed with.  
 No objection was made.

## ORDER OF BUSINESS.

Mr. GARFIELD. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the sundry civil appropriation bill.  
 Mr. DURHAM. I rise to make a privileged report from a committee of conference.  
 The SPEAKER. The Chair will receive the report of the committee of conference.

## FREEDMAN'S SAVINGS COMPANY.

Mr. DURHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:  
 That the Senate recede from its amendment and agree to the bill of the House with sundry amendments, as follows:  
 In line 10, section 1, strike out the words "said loans" and insert in lieu thereof "money loaned thereon."  
 In line 12, section 1, after "keep," insert the words "the buildings upon."  
 In line 13, section 1, strike out "its" and insert "their."  
 In section 3, line 4, strike out the words "Comptroller of the Currency" and insert "Secretary of the Treasury."  
 Strike out all of section 5 after "years" in line 15.  
 Section 7, line 2, strike out the word "wind" and insert "close."  
 Section 7, line 3, after "men" insert the words "not connected with the previous management of the institution and approved by the Secretary of the Treasury."  
 Section 7, line 6, strike out the word "wind" and insert "close."  
 Section 7, line 25, after "company" insert "for the purposes of this act."  
 Section 7, line 29, strike out "winding" and insert "closing."  
 Section 7, line 37, after "pro rata" insert "distribution."  
 Add the following as an additional section:  
 SEC. 8. That from and after the passage of this act, and until the 1st day of July, 1875, all the deposits made in said trust company shall be held by the trustees of said company as special deposits, and any investments made of said deposits shall be made and held for the use and benefit of said depositors only; and it shall be the duty of said trustees on or before the 1st day of July, 1875, to make a full and complete statement of all the assets and liabilities of said company and lay the same before the Secretary of the Treasury, and if said Secretary and the trustees shall at that time, after investigating the condition of said company, believe the same to be solvent, then the trustees and said Secretary shall issue an order declaring that thereafter all deposits shall be general; but said order shall in no wise affect the special deposits unless said depositors shall in writing consent that said special deposits shall become general deposits. But if the Secretary and trustees of said company shall on the 1st day of July, 1875, after the examination aforesaid, doubt the propriety of making the deposits thereafter general, then the deposits made shall still be special until the 1st day of July, 1876, or until the said Secretary and trustees deem it prudent to make said deposits general.  
 And the House agree to the same.

C. B. FARWELL,  
 M. J. DURHAM,  
 C. L. MERRIAM,  
*Managers on the part of the House.*  
 JOHN SHERMAN,  
 JOHN SCOTT,  
 T. F. BAYARD,  
*Managers on the part of the Senate.*

Mr. BROMBERG. I rise to a question of order. Is this a Senate bill to be taken up and passed now?

The SPEAKER. It is the report of a committee of conference, and the only question before the House is upon agreeing to the report.

Mr. BROMBERG. Is this question debatable?

The SPEAKER. It is, if the gentleman from Kentucky [Mr. DURHAM] yields for that purpose.

Mr. DURHAM. I do not yield; I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. DURHAM moved to reconsider the vote by which the report

was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## REVISION OF REVENUE LAWS.

Mr. DAWES. I ask unanimous consent to submit at this time resolutions of the Chamber of Commerce of the State of New York in regard to revision of the revenue laws, and I ask that they be referred to the Committee on Ways and Means, and printed in the RECORD.

No objection was made, and it was so ordered.

The resolutions were as follows:

At the monthly meeting of the Chamber of Commerce, held June 4, 1874, Hon. William E. Dodge, president, in the chair, the following resolutions offered by Mr. John Austin Stevens, jr., were unanimously adopted:

*Resolved*, That the honorable the Senate and House of Representatives of the United States are earnestly requested to direct the holding of sessions, during the coming recess, of their respective Finance and Ways and Means Committees, for the revision of the revenue laws, in order that while the amount of revenue now collected shall not be diminished, the collection of the same may be simplified by a change from *ad valorem* to specific duties wherever practicable, and by such alterations in the classification of merchandise as may be found desirable.

*Resolved*, That a special committee of five be, and is hereby, instructed to consult with the Boards of Trade of Boston, Philadelphia, and Baltimore as to the best manner of arriving at such change in the revenue laws, and for the devising of a complete revised tariff for submission to the before-named committees of the Senate and House of Representatives, should Congress in its wisdom see fit to direct their session.

[SEAL.]

GEORGE OPDYKE,  
*President.*

A true copy.

GEORGE WILSON,  
*Secretary.*

NEW YORK, June 13, 1874.

## PENSION APPROPRIATION BILL.

Mr. O'NEILL. I ask unanimous consent that the amendments of the Senate to the pension appropriation bill may be disagreed to, and that a conference with the Senate be asked on the disagreeing votes of the two Houses.

There being no objection, it was so ordered.

The SPEAKER subsequently announced the appointment of Mr. O'NEILL, Mr. RUSK, and Mr. WELLS as the committee of conference on the part of the House.

## ORDER OF BUSINESS.

Mr. GARFIELD. I rise to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the miscellaneous appropriation bill. If there be no objection I am willing, however, to yield to gentlemen who wish to ask unanimous consent upon matters that will occasion no debate.

## JURISDICTION OF CIRCUIT COURTS.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3676) to determine the jurisdiction of circuit courts of the United States, to regulate the removal of causes from State courts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## WRITS OF ERROR IN CRIMINAL CAUSES.

Mr. BUTLER, of Massachusetts, also, by unanimous consent, introduced a bill (H. R. No. 3677) to provide for writs of error in certain criminal causes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## VOTE ON CURRENCY REPORT.

Mr. FIELD. Upon the vote taken on Saturday last upon agreeing to the report of the committee of conference on the currency question I was paired with the gentleman from Georgia, Mr. FREEMAN. If he had been present he would have voted "ay," and I should have voted "no."

## ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 228) for the relief of Bigler, Young & Co.; and  
 An act (S. No. 563) for the relief of John M. McPike.

## ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The question being taken on the motion of Mr. GARFIELD, that the rules be suspended and that the House resolve itself into Committee of the Whole on the special order, the motion was agreed to.

## MISCELLANEOUS APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. DAWES in the chair,) and resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 15, 1875, and for other purposes.

Mr. KELLOGG. I offer an amendment to come in after the amendment adopted on Saturday last upon motion of the gentleman from Massachusetts, [Mr. BUTLER.] My amendment is the latter part of the amendment offered on that day by the gentleman from Iowa, [Mr. KASSON.]



The Clerk read as follows:

And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States; and it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several States and with reference to their population; and upon the removal of any appointee the reason for such removal shall be stated on the records of the Department where the service was rendered.

Mr. BUTLER, of Massachusetts. I rise to a point of order. I submit that the precise words embraced in this amendment were stricken out on Saturday by a vote of the committee, and it is not in order to move to insert them.

Mr. KELLOGG. They were not stricken out by order of the committee; but the gentleman from Massachusetts took them out of the amendment of the gentleman from Iowa and inserted the other portion as a modification of his own amendment.

The CHAIRMAN. If the words were stricken out by order of the committee, the point is well taken.

Mr. GARFIELD. But as I understand the motion of the gentleman from Massachusetts [Mr. BUTLER] was to strike out and insert. That was an indivisible motion. The motion of the gentleman from Connecticut is to add what he has presented.

Mr. KELLOGG. Simply to add the amendment I have sent to the Clerk's desk.

Mr. GARFIELD. Hence the proposition comes in a different form.

Mr. BUTLER, of Massachusetts. I read from the RECORD:

Mr. KELLOGG. I now call for the reading of the words in the amendment of the gentleman from Iowa [Mr. KAESON] that are proposed to be stricken out.

The CHAIRMAN. The Clerk will read them.

The Clerk read as follows:

"And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and with reference to their population, and upon the removal of any appointee the reason for such removal shall be stated on the records of the Department where the service was rendered."

The CHAIRMAN. The Chair is informed that the words of the amendment now offered by the gentleman from Connecticut [Mr. KELLOGG] are not precisely the same as those struck out on Saturday.

Mr. KELLOGG. In my amendment the word "States" is substituted for "congressional districts."

The CHAIRMAN. The Chair overrules the point of order upon the statement of the Clerk that the words are not the same.

Mr. STARKWEATHER. I move to amend the amendment of my colleague [Mr. KELLOGG] by striking out "States" and inserting "congressional districts."

Several MEMBERS. That is right.

Mr. KELLOGG. It is impossible to make the distribution in that way. There are not enough appointments in some of the Departments to go around among the congressional districts.

The amendment of Mr. STARKWEATHER was agreed to.

The question being taken on the amendment of Mr. KELLOGG as amended, there were—ayes 84, noes 52; no quorum voting.

Tellers were ordered; and Mr. KELLOGG, and Mr. BUTLER of Massachusetts, were appointed.

The committee divided; and the tellers reported—ayes 96, noes 58. So the amendment of Mr. KELLOGG, as amended, was adopted.

Mr. BUTLER, of Massachusetts. I move to insert in the amendment just adopted, after the words "military or naval services of the United States," these words "or the widow, wife, daughter, sister, or mother of such soldier or sailor."

Mr. KELLOGG. We have not changed that part of the amendment as originally offered by the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. But I have the right to offer a further amendment.

The CHAIRMAN. Debate is not in order.

The amendment was agreed to.

Mr. COBB, of Kansas. I move the following, to come in as an additional section.

The Clerk read as follows:

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the date of the passage of this act, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated in order to enable said officers to pay to the laborers, workmen, and mechanics mentioned in said act of June 25, 1868, the full compensation of a day's wages for each and every eight hours labor performed without evasion or subterfuge.

Mr. ROBBINS. Where does that come in?

The CHAIRMAN. It is moved as an additional section to come in after the first section.

Mr. WILLARD, of Vermont. I should like to hear that amendment read again, as it occurs to me it is open to the point of order that it is in contravention to existing law.

The amendment was again read.

Mr. WILLARD, of Vermont. From the reading of the amendment it occurs to me it is liable to the point of order. It provides for paying the persons named according to a different law and by a different rule from that which was in force at the time the work was performed. It is to that extent new legislation. In other words, Mr. Chairman, there is no law providing for the payment of these workmen on the terms and according to the provisions specified in the amendment moved by the gentleman from Kansas.

Mr. COBB, of Kansas. Before the Chair decides the point of order, I wish to say a word or two. When the act of May 2, 1872, was moved in Committee of the Whole on the state of the Union by yourself, Mr. Chairman, a question of order was then raised. This amendment is in substance the same as the law of May 2, 1872, which is on this very same subject. The question of order was raised by Mr. Farnsworth, of Illinois, with Mr. Stevenson in the chair, and as will be seen by the Globe of the Forty-second Congress, page 1481, it was then decided to be a germane amendment to the deficiency bill which was then under consideration.

I looked up the whole matter before attempting to offer this amendment in Committee of the Whole, and had it been liable to the point of order raised by the gentleman from Vermont, I would have in the House moved to suspend the rules in order to obtain the privilege of offering it as an amendment to this bill in committee.

The CHAIRMAN. The Chair would ask the gentleman from Vermont to state the law which this amendment proposes to amend or change.

Mr. WILLARD, of Vermont. These workmen were employed when a given law was under operation and it is now proposed to pay them according to a different rule and a different law. Mr. Chairman, it is like a proposition to be put into this bill to pay the President of the United States a larger sum of money for his last year's salary than what was provided at that time by law. The amendment is not in accordance with any existing law, and is therefore liable to the point of order.

The CHAIRMAN. Will the gentleman from Vermont refer to the law which this amendment proposes to change?

Mr. WILLARD, of Vermont. It is for the gentleman from Kansas to refer to the law which makes this amendment in order.

Mr. BUTLER, of Massachusetts. O, no; you have made the point of order and you ought to state the law which this amendment proposes to change.

Mr. WILLARD, of Vermont. It is for the gentleman from Kansas to point out the law for it as he has moved the amendment. I raise the point of order that there is no law authorizing this appropriation.

The CHAIRMAN. The gentleman from Vermont raises the point of order that this is not authorized by any existing law. The Chair overrules the point of order.

Mr. COBB, of Kansas. The reason for this amendment which I move to this bill is this: the law passed on the 2d of May, 1872, was for the compensation of these laborers in order to cover the period between the 25th of June, 1868, to the 19th of May, 1869, the latter being the date of the issuance of the President's proclamation. It was undoubtedly supposed when Congress passed the law of the 25th of June, 1868, that it would be respected by the administrative and ministerial officers of the Government, but it was on the contrary defied, and the matter was accordingly brought to the attention of the Executive, who performed the extraordinary act of issuing that proclamation which is familiar to us all, of the 19th of May, 1869, enforcing the fact upon all the administrative and ministerial officers of the Government that they must respect that law as the law of the land. It was supposed on the part of the House and of Congress in 1872 that the eight-hour law had been obeyed and respected after the issuance of the President's proclamation. But that was a mistake. On the contrary the fact is patent to everybody, that notwithstanding the law of the 25th of June, 1868, and notwithstanding the President's proclamation of the 19th of May, 1869, this law has been constantly and persistently defied by a large number of ministerial officers of the Government down to the 1st of October, 1872.

These men have a claim against the Government for two hours' extra labor which they have performed each day between the date of the passage of this act and when it became the law of the land up to the time when it began to be respected throughout all the departments of the Government. They have as good a claim for that service which they rendered after the 19th of May, 1869, down to October 1, 1872, as they have for the service which they rendered between the 25th of June, 1868, and the 19th of May, 1872.

The proof that they did render that service is overwhelming, and they have the right to compensation for it. I introduced at an early period of the session a bill on this subject, which was referred to the Committee on Claims, but in reference to which no report has been made. I also urged this amendment before the Committee on Appropriations, and sought to have it reported with this bill. Its justice no one can deny. In my own district, at Fort Leavenworth, a large number of men who went on working in this way, working two hours extra each day, will be compelled to submit their claims to the Court of Claims if this amendment is not adopted to this bill, and

they ought to be saved any such expense and vexation, for they are poor laboring men and are not able to stand such expense, and they ought not to be put to any such additional outlay. I hope the committee will not refuse them this simple meed of justice here and now.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. COBB, of Kansas. Yes, sir.

Mr. ATKINS. If the amendment is adopted how much will it increase the indebtedness of the Government?

Mr. COBB, of Kansas. From correspondence I have had with the Third Auditor, I believe it would increase the indebtedness of the Government to the extent of about \$600,000.

Mr. G. F. HOAR. It would not increase the indebtedness of the Government at all.

Mr. COBB, of Kansas. Yes; I correct my statement; it would not increase the indebtedness of the Government one cent, because this is due to these people this day; but it would settle a claim that is now unadjusted against the Government of about \$600,000.

Mr. DUNNELL. I offer the following amendment to the amendment:

*Provided, The law making eight hours a legal working day for the employees of the United States be hereby repealed.*

Mr. G. F. HOAR. I raise the point of order that that is new legislation.

Mr. WILLARD, of Vermont. It is germane to the pending amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COBB, of Kansas. I ask the gentleman from Minnesota [Mr. DUNNELL] to yield to me to allow me to complete my statement.

The CHAIRMAN. The gentleman from Minnesota is not entitled to the floor.

Mr. FIELD. I offer the following amendment:

After the word "performed" insert "by such laborers, including teamsters and watchmen."

Mr. COBB, of Kansas. I make the point of order that that is new legislation and as such will defeat this amendment, else I would be happy to admit it as a just claim.

The CHAIRMAN. The Chair sustains the point of order.

The question being taken on the amendment of Mr. COBB, of Kansas, there were ayes 28, noes not counted.

So the amendment was not agreed to.

Mr. SESSIONS. I offer the following amendment:

After line 1219 insert the following:

That the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid, to  $\frac{1}{2}$  of 1 per cent. for said services.

Mr. BURCHARD. I make the point of order on that amendment that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURCHARD. I am willing to withdraw the point of order long enough to allow the gentleman to state his intention in offering it.

Mr. CONGER. I renew the point of order.

The CHAIRMAN. The Chair has sustained the point of order.

The Clerk commenced the reading of section 2, as follows:

SEC. 2. That the following sums be appropriated and paid to the Chickasaw tribe of Indians, being arrears of interest due to said tribe, as follows:

For this amount, being the interest on \$66,666.66 $\frac{2}{3}$ , 5 $\frac{1}{2}$  per cent. bonds of the State of Tennessee, from January 26, 1861, to July 1, 1866, \$19,010.25.

For this amount, being the interest on \$616,000, 6 per cent. bonds of the State of Tennessee, from January 1, 1861, to July 1, 1866, \$203,280.

Mr. CONGER. For the purpose of having some explanation of the clause just read, I move to strike it out.

Mr. BUTLER, of Massachusetts. I make the point of order that this is new legislation. The clause provides for an appropriation not authorized by existing law.

Mr. LOUGHRIDGE. I desire to be heard on the point of order. The Government is indebted to these Indians under the treaty of 1832 for certain moneys. By that treaty those moneys were paid over to the United States; and these are trust funds now in the Treasury of the United States belonging to these Indians. We have been every year appropriating in our regular appropriation bills the interest.

The CHAIRMAN. Does the gentleman say that this is in pursuance of a treaty?

Mr. LOUGHRIDGE. I do not. I say that the money came into the Treasury by virtue of a treaty, and being in the Treasury we appropriate by virtue of law. The Government agreed to take this money and keep it on trust for the Indians. This is a trust fund in our hands; it is property in our hands belonging to these Indians. It is not given to them by virtue of any treaty. These are moneys which we appropriate every year in our regular appropriation bills.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BUTLER, of Massachusetts. Before the point of order is overruled I desire to be heard on it.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts briefly on the point of order as he has heard the gentleman from Iowa.

Mr. BUTLER, of Massachusetts. This very section provides—

That the Secretary of the Treasury be, and he hereby is, authorized and directed to reimburse the United States in the sum of \$24,000, by transfer from funds in the Treasury belonging to the Kaskaskia, Peoria, Wena, and Piankeshaw Indians, now to their credit, under the act approved July 12, 1862.

The CHAIRMAN. What the gentleman is reading has not yet come before the committee.

Mr. BUTLER, of Massachusetts. Well, sir, here is an appropriation, being the interest on \$66,666 of certain bonds of the State of Tennessee. If the gentleman from Iowa or the Chair will point out any law by which as matters stand at present the United States are bound to pay interest on Tennessee bonds without new legislation, I should like to know it. I have got a few. There is no law authorizing it which has yet been shown, nor is there any. It is said that there are trust funds in the Treasury. Is there any evidence of that before the Chair?

The CHAIRMAN. The Chair takes the statement of the gentleman from Iowa. Otherwise the Chair is not advised.

Mr. BUTLER, of Massachusetts. I beg the Chair's pardon; that will hardly do. There is nothing now to show that the United States owes this money.

Mr. HALE, of Maine. I desire to raise the point of order as to the whole section; but I do not wish to do it until gentlemen have made their points of order on the particular clauses.

The CHAIRMAN. The gentleman from Iowa [Mr. LOUGHRIDGE] states that this is a fund held by the United States in trust for these Indians to pay over to them year after year. Does the Chair correctly understand the gentleman?

Mr. LOUGHRIDGE. Yes, sir.

Mr. BUTLER, of Massachusetts. This goes back twelve years.

The CHAIRMAN. If the gentleman from Iowa is correct in his statement of this matter, the Chair overrules the point of order.

Mr. HALE, of Maine. I rise to a point of order that goes deeper than this. I submit that the whole section is out of order under the rules of the House, and has no place in this bill. This appropriation, if it has any merit in it, is to carry into effect an existing treaty with these Indians, and it should be put in an Indian appropriation bill. If put in here it is subject to a point of order exactly as the other section following this would have been had it not been made in order by a suspension of the rules. I ask the Clerk to read the clause which I have marked of Rule 76.

The Clerk read as follows:

In preparing bills of appropriations for other objects the Committee on Appropriations shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred to them for their consideration which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.

The CHAIRMAN. The Chair would inquire of the gentleman from Iowa if there is any other authority for this appropriation than a treaty?

Mr. LOUGHRIDGE. There is no other authority, but we have the funds in our hands.

Mr. BUTLER, of Massachusetts. No; we have not; that is the trouble.

The CHAIRMAN. By virtue of a treaty?

Mr. LOUGHRIDGE. We received them by virtue of a treaty.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CONGER. I raise the same point of order on the preceding clause of this section.

Mr. BUTLER, of Massachusetts. I raised it on that clause in the beginning.

The CHAIRMAN. Not until after the next clause was read.

Mr. BUTLER, of Massachusetts. O, yes.

Mr. HALE, of Maine. I waited to raise it as to the whole section, until gentlemen had a chance to raise any points they chose as to the particular clauses. Of course I had a right to wait until the whole section was read. It is a distinctive matter in relation to one tribe of Indians under one treaty.

The CHAIRMAN. The Chair thinks the gentleman from Maine is too late as to the first paragraph.

Mr. BUTLER, of Massachusetts. I raised the point of order on the first paragraph.

The CHAIRMAN. That was a different point of order, which was overruled.

Mr. BUTLER, of Massachusetts. O, I raised precisely the same point, and you took the statement of the gentleman from Iowa that it was in order.

Mr. SPEER. What is the effect of the Chair's ruling? Is the whole section struck out?

The CHAIRMAN. No; only the clause on which the point of order was raised, from lines 10 to 15 inclusive.

Mr. SPEER. I thought it was raised on the whole section.

Mr. HALE, of Maine. I raised it on the whole section, and I wish now to notify the Chair that I do raise it on the whole section.

The CHAIRMAN. The Clerk has not yet read beyond line 15.

The Clerk read as follows:

For this amount, being the interest on \$90,000, 6 per cent. bonds of the State of Arkansas, from January 1, 1861, to July 1, 1863, \$23,700; making in all the sum of \$251,990.25; one-half of this amount to be paid on or after the 1st of July, 1874, and the balance on or after the 1st of July, 1875.



Mr. HALE, of Maine. I make the same point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LOUGHRIDGE. Does the Chair sustain the point of order as to the first paragraph of the section?

The CHAIRMAN. As to the first paragraph it was not raised.

Mr. CONGER. I move to reconsider the vote by which the first paragraph was agreed to.

The CHAIRMAN. No such motion can be made in Committee of the Whole.

Mr. BUTLER, of Massachusetts. We can move to strike out the first paragraph; no vote has been taken on it yet.

The CHAIRMAN. That paragraph has been passed.

Mr. BUTLER, of Massachusetts. No vote was taken on it.

The CHAIRMAN. No motion having been made in reference to it, the next paragraph was read.

Mr. BUTLER, of Massachusetts. I raised the point of order and it was about being overruled when another one was raised, and as soon as that discussion is through, before anything further has been done, I move to strike out the paragraph.

The CHAIRMAN. If the gentleman from Maine [Mr. HALE] will state that he rose before the first paragraph was passed from the Chair will entertain his point of order in reference to that paragraph.

Mr. BUTLER, of Massachusetts. I rose at once when the first paragraph was read to make the point of order, although I did not rise to move to strike it out until it had been passed from.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] raised a point of order in reference to the first paragraph of this section, which point of order was overruled. Then, as the Chair recollects, the Clerk read the second paragraph, upon which the gentleman from Maine [Mr. HALE] raised another point of order, which was sustained by the Chair. If the gentleman from Maine now states that he endeavored to obtain the floor for the purpose of raising the point of order upon the first paragraph, of course the Chair will entertain it at this time.

Mr. HALE, of Maine. I arose for that purpose; but, as I said before, I did not put forward my point of order, because the point of order raised by the gentleman from Massachusetts [Mr. BUTLER] was being considered. But the moment that I understood the decision of the Chair then I pushed my point of order, and did not understand that the committee had gone from the particular clause upon which the gentleman from Massachusetts made his point of order.

The CHAIRMAN. Upon that statement of the gentleman from Maine [Mr. HALE] the Chair will entertain the point of order in regard to the first paragraph of this section, and sustains the point of order.

Mr. ROBBINS. Do I understand that the whole of section 2 has been ruled out of order by the Chair?

The CHAIRMAN. The reading of section 2 has not yet been completed.

The Clerk read the remainder of the section, as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to reimburse the United States in the sum of \$34,000, by transfer from funds in the Treasury belonging to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians, now to their credit, under the act approved July 12, 1862; said sum being the amount advanced by the act of April 10, 1869, in the payment for certain lands purchased from the Senecas and sold to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians.

Mr. BUTLER, of Massachusetts. I now raise the same point of order upon this paragraph which the Chair sustained upon the other paragraphs of this section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBBINS. On behalf of my colleague, [Mr. VANCE,] who is detained from the House by sickness, I offer as an additional section, to come in after section 2, that which I send to the Clerk's desk to be read.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, for the services and expenses of the delegation of the Eastern band of the Cherokee Indians of North Carolina who have visited and may hereafter visit Washington on business connected with their tribe, and the amount herein required to pay the delegation shall be charged to the unexpended balance of the interest fund arising under the fourth section of the act approved July 29, 1848, which remained in the hands of Special Agent James W. Terrell and Silas H. Swetland, and for the recovery of which suits at law are now pending against them in the United States court in the western district of North Carolina, and, whenever recovered upon the bond of said agents, shall be reimbursed therefrom.

Mr. GARFIELD. I raise the point of order upon that proposed amendment that it is new legislation.

The CHAIRMAN. Can the gentleman from North Carolina (Mr. ROBBINS) state any law authorizing this appropriation?

Mr. GARFIELD. This is a bill which has been referred to some committee for the purpose of being made a law.

Mr. ROBBINS. It is recommended by a committee.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBBINS. I offer as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,500, or so much thereof as may be necessary, on account of expenses incurred by Silas H. Swetland as special agent to settle with the Eastern or North Carolina Cherokees in the year 1869, to the following-named persons, to wit: Samuel W. Davidson, Henry

Smith, and N. J. Smith, of North Carolina, the sum of \$1,068.66; to J. D. Abbott, of North Carolina, the sum of \$108; to M. C. King, of North Carolina, the sum of \$301; to John Gray Bynum, of North Carolina, the sum of \$792; and to others whose claims may be filed and verified such sum as may be found due.

Mr. GARFIELD. That is another bill. I raise the same point of order upon it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read section 3 of the bill, as follows:

Sec. 3. That in order to fulfill and discharge the obligations assumed by the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw Nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate of the United States, under the provisions of article 11 of the said treaty, made on the 9th day of March, 1859, the Secretary of the Treasury is hereby directed and required to issue and deliver to Peter P. Pitchlynn and Peter Folsom, the authorized delegates and agents of the Choctaw Nation, or to either of them who may demand the same on behalf of the said nation, bonds of the United States authorized to be issued under the provisions of the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," and of the act of Congress approved January 20, 1871, entitled "An act to amend an act entitled 'An act to authorize the refunding of the national debt,'" for an amount equal to the sum stated and found to be due to the Choctaw Nation under the said award, as shown by the account stated by the Secretary of the Interior, in accordance with and in conformity to the said award, and reported by him to Congress, and printed and contained in House Executive Document No. 82, of the first session of the Thirty-sixth Congress, deducting from said amount the following sums, to wit: the sum of \$362,100.70, and the further sum of \$286,595.75, together with interest on the sum stated in the said executive document as due to the Choctaw Nation from the United States under the said award, after deducting the sums above stated, at the rate of 5 per cent. per annum from the 2d day of March, 1861, until the said bonds shall be issued to the said delegates or agents of the Choctaw Nation as herein directed: *Provided*, That from the sum due the Choctaw Nation, as shown in the said executive document and account stated, the Secretary of the Treasury shall deduct the sum of \$250,000, paid to the said delegates for and on account of the said nation and on account of the said award, on the 12th day of April, 1861: *And provided further*, That the Secretary of the Treasury shall neither entertain, recognize, allow, nor pay any of the various claims or pretended claims which have heretofore been demanded, or which shall hereafter be demanded, by any claim agents, attorneys, or pretended owners of the said bonds, by purchase or otherwise, or of any part thereof; nor shall the Secretary of the Treasury recognize or sanction any contract or pretended contract, made on behalf of the Choctaw Nation, providing for the payment of any compensation or fees for the collection or prosecution of the claims of the Choctaw Nation against the United States, but the said bonds shall be issued and delivered as herein provided: *And provided further*, That before the delivery of the said bonds to the said delegates as herein directed, the national council of the Choctaw Nation shall pass an act approving the provisions of this act, and shall declare that the receipt of the said bonds by the said delegates, or either of them, on behalf of the said nation, is accepted and received by the said nation as a full payment and satisfaction of all claims of the said nation, whether national or individual, growing out of the cession of lands by the said nation to the United States, under the treaty of September 27, 1839; a copy of which act, attested by the seal of the said nation, shall be filed with the Secretary of the Treasury previous to the delivery of the said bonds to the delegates aforesaid.

Mr. HALE, of Maine. I rise for the purpose of moving to strike out this section. But first, in order that it may be settled what is actually and legitimately in the bill, I make the point of order that this provision is not properly in this bill, the same point of order that was made in reference to the previous section. I am aware that a long resolution was passed the other day under a suspension of the rules providing that something should be in order in this bill; and that we may know just what we have before us for amendment or for striking out, I raise the point of order here.

The CHAIRMAN. The Chair is informed by the Clerk that the resolution adopted the other day contained the exact words of this section, and directed that they should be a part of the bill.

Mr. HALE, of Maine. I am willing to trust a great deal to our clerks. But this is a very important matter. The resolution was of record in writing, and was read here, and I want to proceed guardedly.

Mr. PARKER, of Missouri. It strikes me, if I am permitted to say anything on this point of order, that the gentleman from Maine [Mr. HALE] is starting out upon this section with a very great degree of technicality. Now he distrusts the clerks of this House.

Mr. HALE, of Maine. I do not distrust the clerks of this House. Mr. PARKER, of Missouri. Well, the gentleman makes an insinuation of that character.

Mr. HALE, of Maine. I make no insinuation; I am the last man to do it.

Mr. PARKER, of Missouri. I desire to state to the Chairman and to the Committee of the Whole that this resolution which was passed, and for which the rules were suspended, contained this identical section of the bill, because I cut it out of the printed bill.

Mr. HALE, of Maine. Let us have the resolution read.

Mr. PARKER, of Missouri. Well, sir, I want to be heard. I cut this section out of the bill and incorporated it in my resolution. All there was of writing in connection with the section was the introductory clause of the resolution. The section which was made in order upon my motion to suspend the rules was identically this section.

The CHAIRMAN. Does the gentleman from Maine insist on his point of order?

Mr. HALE, of Maine. When the resolution was read the other day I thought its purpose was to make this particular section in order. It struck me, however, as the resolution was read—I had no time to examine it—that there was a discrepancy between that resolution and the section that is now in this bill. If there was such a discrepancy, I am so strongly opposed to this section being incorporated in this appropriation bill, taking so large a sum of money out of the Treasury, that notwithstanding what the gentleman from Missouri

has said I insist on my right as a member to save that point. If the section made in order by the resolution of the gentleman from Missouri is exactly the section now printed as a part of this bill, then it can be very easily shown. But the resolution was adopted only two days ago; and it is a very singular thing if it cannot be found.

The CHAIRMAN. The Chair thinks it incumbent upon the gentleman from Maine, if he raises a point of order upon the section, to show wherein it is not in order.

Mr. HALE, of Maine. I have raised my point of order under the rules—

The CHAIRMAN. Upon the statement of the gentleman from Missouri that the words of this section are identical with those embodied in his resolution, the Chair will rule, unless the gentleman from Maine can show—

Mr. PARKER, of Missouri. I state again, in order that I may be distinctly understood, that the section incorporated in my resolution and read by the Clerk was this very section of the bill; for I cut it out of the printed bill.

Mr. HALE, of Maine. I am an associate of the gentleman from Missouri on the Committee on Appropriations, and I know how well he can be depended upon. Hence, upon his assurance, I will not further insist on my point; only I would ask the gentleman whether he knows where the resolution now is. He of course has not put it out of the way. Where is it?

Mr. PARKER, of Missouri. I have paid no attention to the resolution since it passed.

Mr. RANDALL. It has gone to the Public Printer with the Journal. I am so informed at the Clerk's desk.

Mr. HALE, of Maine. It was passed only three days ago.

Mr. PARKER, of Missouri. I should like to have it settled here and now why it is that the gentleman insinuates that there is any difference between my resolution and this section of the bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HALE, of Maine. Upon the assurance of the gentleman from Missouri, I withdraw my point of order and move to strike out the section.

Mr. PARKER, of Missouri. Does the gentleman from Maine desire to discuss this question?

Mr. HALE, of Maine. As the gentleman is in favor of the section, I yield to him. I do not wish to go on until he has made his explanation.

Mr. PARKER, of Missouri. I would prefer that the gentleman should first state his reasons for making this motion.

Mr. HALE, of Maine. I yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Chairman, I hope that the Committee of the Whole will give careful consideration to this section, for it is a very important one. There are two reasons which I wish to impress upon the committee against retaining this section in this appropriation bill. The first is a matter of good habit in our legislation. It is not fair to the various claims before Congress, numbering so many hundreds, and which are referred generally to the Committee on Claims, that one should be singled out and placed upon an appropriation bill that must become law. Such a proceeding is relatively an injustice to all other claims before Congress. This remark, of course, has no reference whatever to the merits or demerits of this particular claim. But if the rules must be suspended in order to make one special claim in order upon an appropriation bill, why should not all other just claims be also placed upon appropriation bills? What reason can be given for preferring one claim above all others and giving it a more advantageous position? That is my first objection; and it is so strong that I hope it will have weight with the Committee of the Whole. During this session the Committee on Appropriations have sent back to the House about forty claims, and have had them referred to appropriate committees, on the principle that such claims ought not to encumber appropriation bills, for each should stand on its own merits. I believe that no single claim except this has found its way into any of the appropriation bills reported to the House, and this is here only by the action of a divided committee.

In the next place, while I admit that this Choctaw claim has some merit, and while if it were presented here by itself as a bill I should be strongly disposed to vote for settling it in some way, yet I do not believe it possible now upon this bill to give it that full and elaborate discussion that its merits deserve. It is a claim more than thirty years old. It has a long and intricate history, and is beset with difficult questions. It has several times been put upon appropriation bills, but has never been enacted into law.

Mr. LOUGHRIDGE. I should like to ask the gentleman from Ohio a question.

Mr. GARFIELD. Certainly.

Mr. LOUGHRIDGE. Have not \$500,000 been already appropriated, and was not that done on an appropriation bill?

Mr. GARFIELD. It is true that a small payment has been made on account of this claim, but it was in order that it should be upon an appropriation bill in years past and until last year. It was about being put on—indeed was put on—the Indian appropriation bill in the Senate during the last Congress, when a letter came from the Secretary of the Treasury to the Committee on Appropriations of the Senate saying the Secretary had reason to believe there was fraud

behind the claim, and asking them not only not to put it on the bill, but to put a section in the bill forbidding the payment of the claim until further investigation and legislation by Congress. That section was put on in the Senate, passed by the House, and became section 3 of the Indian appropriation bill of 1872. So that as the law now stands the claim is barred until future action of Congress. Hence it required a suspension of the rules to put it into this bill.

I deeply regret, Mr. Chairman, that the House saw fit to suspend the rules to make it in order. I have not one word to say against those gentlemen who think it ought to be here, except to say that there is an honest difference of opinion between them and myself. The members of the Committee on Appropriations who voted to put this section in this bill have the utmost of my confidence. I say not one word to detract from their high worth. I hold them to be as true men as live. I say only in this matter we radically differ in our judgment on this question. I think they mistake as a matter of legislative propriety and as to the right management of our finances to put this section into this bill, and I appeal to the House to reconsider its action and strike the section from the bill. Then we can truthfully say that our twelve great appropriation bills have not borne upon them one claim or one shadow of a claim; that they have contained nothing save the regular appropriations for the support of the Government.

That is the whole case; but I must say a word on the merits of the section itself. If we go into the discussion of the Choctaw claim we shall encounter on the threshold a serious difficulty in reference to the treaty of 1855. That treaty provides that the amount awarded as claims of individual Choctaws shall be delivered over to the nation in bulk and the remainder of the award, which is in its nature national—which belongs to the Choctaw Nation as a people—shall be invested in interest-bearing bonds and held in trust by the Secretary of the Interior for the benefit of the nation. Now, how much of this amount awarded by this section belongs to individual Choctaws and how much belongs to the Choctaws as a nation I do not know and the committee has failed to discover; but this section gives it all in a lump to two persons—agents of the nation. No doubt we have wronged the Choctaw Nation by not settling this claim long ago. But we shall wrong both them and ourselves by this method of settling the case. This Congress has made a most worthy record in all that pertains to public expenditures. Let us not now mar that record by breaking over the wise rules which long experience has taught us to respect.

[Here the hammer fell.]

Mr. COBB, of Kansas. I should like to ask the gentleman from Ohio this question: Does the Government owe this debt or not?

Mr. GARFIELD. I think the Government owes a debt, but I do not believe that this section provides for discharging the debt in accordance with the terms of the obligation.

Mr. PARKER, of Missouri. I am peculiarly situated in reference to this matter. The remarks of the gentleman who spoke in favor of the motion to strike out this section are of such a character as to cover this whole case, and I am fearful it will be impossible to present the case to the House as it should be presented (and as I think I ought to be permitted to present it, having made the report on this question from the Committee on Appropriations) in the short space of five minutes. But I will do the best I can.

My friend from Ohio, [Mr. GARFIELD,] the distinguished chairman of the Committee on Appropriations, for whom I have as high regard as for any person in the world, admits the merits and the justice of the claim, but the trouble with him is, he desires, I think, to pay off these Indians by compliments to his fellow-members of the committee. That may be handsome, and will be appreciated by the collaborators with him on that committee, but I apprehend it is not of such a character as will satisfy a just demand against the Government.

Now, sir, as to the reasons the gentleman urges why this should not go upon the appropriation bill. In the first place, two-thirds of this distinguished body have decided it is proper to go on an appropriation bill. I would be willing, even if I were chairman of the committee, to abide the fiat of the House proclaimed by two-thirds of its members.

But what reason has he urged why it should not be put upon this bill in this way? One reason is that it is an old claim. It is an old claim, Mr. Chairman, and the age of this claim places it before the country and the world as a lasting disgrace and burning shame to this Government that it has not been satisfied years and years ago. I have understood that wine was improved by age, but the rule with him seems to be that a claim which is just, a claim which the gentleman admits to be honest and fair, is to be destroyed because of its age. And he wants to increase the age of this just claim. He says it should be put off yet a little longer; that its payment shall be procrastinated yet a little while.

Why, Mr. Chairman, must that be done? I will tell you why. If this were a claim urged against this Government by a nation which had the power to hold us accountable for the non-payments of our debts, then you would hear the chairman of this committee upon this floor talking of national honor and national honesty. But here are a class of people who, unfortunately for them, are unable to hold us accountable to them as a nation for that dishonesty. Therefore we postpone the payment of this just demand.

Why is this claim old? This brings me to a brief presentation of the claim on its merits to this House. What is the claim? How



does it come that those people have a claim against the Government of the United States that has remained unsettled for these many years? I will tell you the foundation of it.

On the 27th September, 1830, the Government of the United States made a solemn treaty with these people, when they were living in the State of Mississippi. But prior to that, in the year 1820, the Government entered into a treaty with them by which it received from them four million three hundred thousand acres of land in Mississippi for a tract of country west of the Mississippi River where they are now living. That tract of four million acres of land covers from one-half to three-fourths of the whole water front of the State of Mississippi. In 1830 a question arose between the Government of the United States and the State of Mississippi—the State claimed jurisdiction over these people. The Indians were unwilling to submit to that State jurisdiction. War was imminent between the Federal Government and the State of Mississippi upon that question. The President of the United States, President Jackson, sent his Secretary of War, General Eaton, and an officer of his Army, General Coffee, to make a treaty with these people. They did make the treaty of Dancing Rabbit Creek on the 27th of September, 1830. These Indians did not want to leave their homes on the Mississippi; they wanted to remain there. But by threats and terrorizing over them, the United States induced them to sign a treaty granting to the United States over ten million acres of land. They were by the terms of that treaty to be paid in advance. The treaty was signed by these people. They agreed, the most of them, to remove to their new homes in the then unknown country west of the Mississippi River. It is out of the cession of these lands that the treaty grew.

Well, what occurred then? After the treaty was made the Indians presented their claims to the Government of the United States for these ten million acres of land and the thing was procrastinated or overlooked, just as the gentleman from Ohio now seeks to put it off, from 1830 to 1855.

[Here the hammer fell.]

Mr. KELLOGG. I move to strike out the last word, and yield my time to the gentleman from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. I thank the gentleman for his courtesy. On the 22d June, 1855, the Government of the United States entered into another treaty with these people, and what was that treaty? It was substantially this: that all claims and demands urged upon the part of the Choctaw people should be settled by a court. What court was that? By the terms of the treaty it was the Senate of the United States. I wish to have the Clerk read the eleventh section.

The Clerk read as follows:

ART. 11. The Government of the United States not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the land remaining unsold, in order that a final settlement with them may be promptly effected; or, Secondly. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and if so, how much. (11 Statutes at Large, page 611.)

Mr. PARKER, of Missouri. Now, Mr. Chairman, it will be observed by the committee that this claim by the terms of this treaty is to be submitted to the Senate of the United States and a board of arbitrators. It will be observed further that we had the selection partly of the court, and we took good care to select a court on which there should be no Indians. It was a court of our own choosing. It was one of the highest courts of arbitrators that ever assembled in this country or any other country. It must be remembered that by the terms of this treaty of 1855 the finding of the Senate was to be final. There was to be no appeal from that finding.

The Senate did take up this case, and on the 9th of March, 1859, after the proposition had been referred to a committee of the Senate, after it had been deliberately considered by that committee for three months, it was brought back into the Senate, reported favorably upon by the committee of the Senate. The Senate discussed it for days, and finally they did make an award in favor of these people. And I want to say here in this connection that after deducting every possible thing that they could deduct from these people, they found to the amount of money that we claim is due here to-day. What did they say? Here is the resolution which they passed:

Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians provides that the following questions be submitted for decision to the Senate of the United States:

First. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or, Secondly. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much?

Resolved, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale, and all proper expenditures and payments

under said treaty, excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of \$1.25 per acre; and, further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

Resolved, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above prescribed principles of settlement, and report the same to Congress.—*Senate Journal, second session Thirty-fifth Congress, page 493.*

Not to the Senate but to Congress, thereby showing that the Senate deemed their award as final.

They did not ask the master in chancery, as he might be termed, the Secretary of the Interior, to report back to the Senate, but to make his report to Congress. On the 8th of May, 1860, under the direction of this board of arbitrators, he did report back to the Congress of the United States the amount of money that was due these people. Now what was it? It is contained in Executive Document No. 82 of the first session of the Thirty-sixth Congress. Here is his finding; here is the account—stated—

[Here the hammer fell.]

Mr. SHANKS. I rise to oppose the amendment, and I yield my time to the gentleman from Missouri.

Mr. PARKER, of Missouri. I thank the gentleman.

Mr. SPEER. Is this in order? If it is not I must object, unless it be understood that the same courtesy will be shown to gentlemen on the other side.

Mr. GARFIELD. I have no doubt it will be, and I hope the gentleman from Missouri will be allowed to proceed.

Mr. SPEER. With that understanding I withdraw the objection.

Mr. PARKER, of Missouri. Here is the account—stated:

*Statement of account with the Choctaw Indians, in conformity with the resolutions and decision of the Senate of the United States of March 9, 1859.*

	Acre.
Total area of the lands ceded by the Choctaws by the treaty of September 27, 1830.....	10,423,193 69
Area of the reservations "allowed and secured," which are to be deducted and excluded from computation in the account.....	334,101 02
Leaving.....	10,089,038 67
Quantity sold up to January 1, 1859.....	5,912,664 63
Residue of said lands.....	4,176,374 04
Of this residue 2,292,766 acres have been disposed of under the swamp-land act and grants for railroad and school purposes up to January 1, 1859.	
The proceeds of the sales of the lands up to January 1, 1859, namely, 5,912,664.63, amounted to.....	
The residue of said lands, namely, 4,176,374.04 acres, at 12½ cents per acre, amounts to.....	522,046 74
	8,078,614 80

From which sum the following deductions are to be made:

1. The cost of the survey and sale of the land, namely, 10,423,139.69 acres, at 10 cents per acre.....	\$1,042,313 96
2. Payments and expenditures under the treaty, which are as follows:	
Fifteenth article:	
Salaries of chiefs for twenty years.....	\$12,921 25
Pay of speaker of three districts for four years.....	354 66
Pay of secretary for same period.....	550 00
Outfit and awards to captains, ninety-nine in number.....	4,930 56
Pay to the same, at fifty dollars per year, for four years.....	19,604 65
	38,361 12
Sixteenth article:	
Removal and subsistence per statement of Second Auditor.....	813,927 07
On same account per additional statement made in this office for expenditures from 1836 to date.....	401,556 17
	1,215,483 24
Amount paid for cattle.....	14,283 28
	1,229,766 5
Seventeenth article:	
Annuity of \$20,000 for twenty years.....	400,000 00
Nineteenth article:	
Fifty cents per acre for reservations relinquished.....	24,840 00
Amount to orphans for reservations.....	120,826 76
	145,666 76
Twentieth article:	
Education of forty youth for twenty years.....	217,260 72
Council-house, house for each chief, and church for each district.....	9,446 75
Two thousand five hundred dollars annually for support of three teachers for twenty years.....	50,000 00
Three blacksmiths sixteen years.....	38,988 86
Millwright for five years.....	3,050 00
Twenty-one hundred blankets.....	7,496 70
Rifles, molds, &c., to each emigrating warrior.....	43,969 31
One thousand axes, plows, hoes, wheels, and cards.....	11,490 20
Four hundred looms.....	7,193 53
One ton iron and two hundred weight of steel, annuity to each district for sixteen years.....	8,051 15
	396,947 23
Twenty-first article:	
Annuity to Wayne warriors.....	1,818 76
3. Scrip allowed in lieu of reservations, namely, 1,399,920 acres, at \$1.25 per acre.....	1,749 900 00

Payments made to meet contingent expenses of the commissioners appointed to adjust claims under the fourteenth article of Choctaw treaty of September 27, 1830.....	\$51,320 79	
For various expenses growing out of the location and sale of Choctaw reservations and perfecting titles to the same, including contingent expenses, such as pay of witnesses, interpreters, &c., incurred in executing the act of March 3, 1837, and subsequent acts relative to adjusting claims under the fourteenth article of the treaty of 1830.....	21,408 36	
For payments made for Choctaw account, being for expenses incurred in locating reservations under the treaty with said tribe of September 27, 1830....	19,864 00	
Total amount of charges.....	5,097 367 50	\$8,078,614 80
Which deducted from the proceeds of the lands sold, and the "residue of said lands," at 12½ cents per acre.....		5,097,367 50
Leaves a balance due to Choctaws of.....		2,981,247 30

Now one word in connection with these accounts. By the treaty of 1830 it was agreed to remove these Indians at the cost of the Government. We did remove them, but in making up the account we charged them for that removal \$1,200,000. By the treaty of 1830 we agreed to survey these lands which have become ours under that treaty. We did survey them, but we stole from these Indians for that survey \$1,300,000, when he had said by the treaty that we would pay the expenses ourselves. We agreed to furnish under the treaty of 1830 cattle to these Indians. We did furnish them cattle, but we paid for those cattle out of their own money and cast it up in this account against them.

That is not all. I could stand here for half an hour enumerating wrongs and outrages that have been committed against these people. We agreed to pay the Wayne warriors, who were in the Wayne campaign, pensions. We did pay them pensions, but we paid them out of their own money. We agreed that we would pay these people twelve and a half cents an acre for the residue of the lands that were unsold in 1859. We did pay them twelve and a half cents an acre, but we took ten cents an acre of that for surveying the lands, when we had agreed to survey them ourselves.

Well, now, has this claim been approved by anybody? The gentleman from Ohio [Mr. GARFIELD] says than an opinion came to Congress during its last session against this claim. O, yes; Mr. Chairman, if I were released from the obligations of secrecy in this case I could give to the House and the country the history connected with that opinion of the Solicitor of the Treasury; but has this claim ever met with the approval of anybody?

[Here the hammer fell.]

Mr. PARKER, of Missouri. I hope that I shall have a little more time.

Mr. KELLOGG. I withdraw my amendment.

Mr. TREMAIN. I renew the amendment and yield to the gentleman from Missouri.

Mr. PARKER, of Missouri. I thank the gentleman. I have in my possession the opinion of the Attorney-General of the United States in which he says that this claim is just and ought to be paid. I have in my possession the report of the distinguished chairman of the Judiciary Committee of this House, when he was a member of the Committee on Appropriations, recommending the payment of this claim. And the House, if I am right in that matter, at that very session passed it through this body. I have in my possession here the report of the Indian Committee of the Senate made by Mr. Sebastian in 1860, in which he said that this claim was a just claim and ought to be paid. I have in my possession the report of the Indian Committee of this House at the last session, stating that it was a just claim and ought to be paid. I have in my possession the report of the Indian Committee of this House of this Congress, a unanimous report, stating that it is a just claim and that it ought to be paid. And above all, the Congress of the United States in 1860 said that it was a just claim and ought to be paid. By a solemn act of Congress they appropriated \$500,000 toward the payment of it. The Committees on the Judiciary of the Senate and of the House have recommended this payment. I have here the report of the Committee on the Judiciary of the last Congress, made by the distinguished gentleman from Indiana, Mr. Kerr, in which he says that this claim was just and ought to be paid.

Now the gentleman from Ohio, the distinguished chairman of the Committee on Appropriations, [Mr. GARFIELD,] makes the point that this should not be in an appropriation bill. Why should it not? At this very session we appropriated in an appropriation bill \$1,000,000 to pay the judgments of the Court of Claims, and judgments, too, which have not yet been rendered. Is not this a judgment? It is a judgment of the highest character. To the eternal shame and disgrace of this nation here is a judgment against it since 1859, and to this day never paid.

I am glad that we have a chance to present this case to the Committee of the Whole. I am glad that the merits of it can be looked into by gentlemen. I assert as a fact that no honest man who will ever look into this case can come to any other conclusion than the one to which we have come.

One point further. We take from this amount of two million nine hundred and odd thousand dollars the sum of three hundred and odd thousand dollars, as being the 5 per cent. fund that the Government was to pay to the State of Mississippi under that law. We deduct

also about the same amount as being the amount which the Government paid to the State of Mississippi as the swamp-land fund. I suppose we do it somewhat upon this principle: If I should buy a house in this city of my distinguished friend, the chairman of the Committee on Indian Affairs, [Mr. AVERILL,] and should give him my note for it, then when he came to me to collect the note I would say to him that I would give him only a part of the amount which the note represented, because I had given another part to the gentleman from Massachusetts. Therefore, because we have given away a part of this fund which belonged to the Indians, we deduct it from the amount due. In that way we have reduced the claim to two million three hundred and odd thousand dollars. No man in this country can come to the conclusion that this claim should not be paid.

Why, then, should we not pay it now? Some say that we cannot afford to pay it now. Sir, there can never be a period in the history of this country when we can repudiate an honest and just claim against us, held by a people who cannot go into a court and enforce it, and who cannot hold us accountable as a nation for the non-payment of an honest claim, because they are too weak.

[Here the hammer fell.]

Mr. HALE, of Maine, obtained the floor.

Mr. SPEER. I ask unanimous consent that the gentleman from Maine [Mr. HALE] be allowed twenty-five minutes, the same time that was allowed to the gentleman from Missouri, [Mr. PARKER.]

Mr. HALE, of Maine. I do not desire so much time.

The CHAIRMAN. There can be no unanimous consent given in Committee of the Whole. The Chair, however, has no doubt that proper time will be allowed the gentleman from Maine.

Mr. HALE, of Maine. This claim, and it is nothing but a claim in its best condition, will take two million three hundred and odd thousand dollars out of the Treasury. This is a large sum, and it requires sober attention, both in regard to the question whether it should be paid at all, and also, if paid, the perhaps more important question of guarding the fund so that it shall go to those to whom whatever sum is due belongs.

The gentleman from Missouri [Mr. PARKER] need not talk about the wrong done to the American Indian. I see all that in its full force. They have been driven from pillar to post; cheated by thievish agents of the Government; stripped of their lands, and in most cases if paid at all for them it has been by a mere bagatelle. So much I own.

But this claim deals not here with these general considerations. It is narrowed down to a proposition to put in an appropriation bill a section appropriating over \$2,300,000 to be paid over to two men living in the city of Washington, neither of whom I presume has seen the Choctaw people for a dozen years, perhaps more; or if in this I am wrong, it is certainly true that they have both made this city their home, their point of action. My objection to this claim is twofold; first and foremost, while admitting that a large sum is due to these Indians, I am not ready, and the opposition to this claim is not ready, to admit that the sum named here is merely the sum that ought to be paid. But upon this point I give the gentleman from Missouri [Mr. PARKER] credit for a good, and as far as he has gone a thorough examination, and admit that his figures are entitled to *prima facie* credit. This, then, as to amount, we will not controvert as our strong point.

But bearing on this, let me say that several years ago this amount was given at a lower figure in the Senate of the United States by Senators then in charge of the claim. As long ago as March 9, 1859, at about the time of the adjustment, as it has been called, when the accounts were made up, and the matter was presented in the Senate by the Committee on Indian Affairs through Mr. Sebastian, of Arkansas, its chairman, a question was asked by Mr. King. I read from the Globe:

Mr. KING. About what is the amount to be paid?

Mr. SEBASTIAN. It is almost impossible to arrive at a correct conclusion. It is very large, and the amount this resolution will give them is far below what they are entitled to, in the opinion of the committee.

Mr. KING. Will it give them one million or more?

Mr. SEBASTIAN. I think when the account is stated it will be between eight hundred thousand and one million dollars. We got a large amount of land for nothing.

Gentlemen will see that the sum there named was little more than one-third of what is now pressed.

But there is another consideration to which I wish to call the attention of the committee, and it is most important. While I hope that this proposition will be voted down so that it may at the proper time go to a committee that shall report it as a distinctive bill, when it can receive full discussion on this floor, I shall be well content if a proper substitute can be adopted, and I have other considerations to urge in favor of an amendment, a vital amendment to this section.

The gentleman from Missouri has said that there was a treaty or adjustment in 1830. Granted. He has said further that it ran along until 1855, when a treaty was made which fixed the liabilities of the Government, and declared that the Indians had certain rights. Granted. I am going to have read portions of that treaty. He says, further, that a report was made to the Senate and that it was accepted by that body. Sir, was there anything further done after that? Good as is the gentleman's report, which I hold in my hand, he has not in that report called attention to the fact that on the 14th of June, 1860, less than a year after a report was made to the United States Senate, the matter came up in that body again on a resolution



to pay over this fund of \$2,330,000, the same sum that is proposed to be given now. That resolution was based, as this section which we now confront is, upon the treaty of 1855. I ask the Clerk to read from article 12 of that treaty.

The Clerk read as follows:

ART. 12. In case the Senate shall award to the Choctaws the net proceeds of the lands, ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just, the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund, awarded by the Senate to the Choctaws, as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the liabilities of the tribe, shall, on their requisition, be paid over to them by the United States.

Mr. HALE, of Maine. It will be seen that in making this treaty the Government took cognizance of the fact that there were two kinds of claims involved. The committee here have forgotten this. In the first place this tribe or nation of Indians was fairly indebted to individuals in large sums, and those individuals could not get their pay till the Government provided a fund. It was, therefore, provided that so much as the proper authorities of the Choctaw Nation should find to be owing to individuals should be paid over by the Government to those authorities for the payment of their tribe's debts. That is how part of the fund was to go. That it was not all will be shown by what will now be read.

Let the Clerk read from the thirteenth article of the treaty, in order that gentlemen may see how the balance of this fund of \$2,330,000 was to be kept sacred for the Indians and not to be disposed of here.

The Clerk read as follows:

And the funds now held in trust by the United States for the benefit of the Choctaws under former treaties, or otherwise, shall continue to be so held; together with the sum of \$500,000 out of the amount payable to them under articles 8 and 10 of this agreement, and also whatever balance shall remain, if any, of the amount that shall be allowed the Choctaws by the Senate under the twelfth article hereof, after satisfying the just liabilities of the tribe. The sums so to be held in trust shall constitute a general Choctaw fund, yielding an annual interest of not less than 5 per cent.; no part of which shall be paid out as annuity, but shall be regularly and judiciously applied, under the direction of the general council of the Choctaws, to the support of their government for purposes of education and such other objects as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants.

Mr. HALE, of Maine. Mr. Chairman, it is to this decisive point more than to anything else that I am speaking here. I put my sympathy with the Indians against that of the gentleman from Missouri or any other gentleman who advocates this section providing for paying this whole fund of \$2,300,000 into the hands of a delegated agency, thereby stamping to the ground the sacred stipulation which we have made with this tribe that all the balance after paying their debts shall be saved as an impregnable fund to go for the purposes of education and good government in the territory of this once great and powerful tribe. Sir, that is the question that confronts us here. Is there anything in this section that keeps the balance of this fund for the education of the Choctaw children? Is there anything that keeps a dollar of it for good roads, for schools, for good government in the Choctaw country?

To show that the view I now maintain, and which has been forgotten in the report, was maintained by those advocating this claim in the Senate, let me call attention to the fact that on the 14th of June, 1860, after the award that the gentleman builds upon had been sent into the Senate, Mr. Sebastian, then of the Committee on Indian Affairs of that body, in order to carry into effect that treaty, offered an amendment to an appropriation bill providing for the payment of just the sum that is provided for here. But I ask gentlemen to observe how that provision was guarded, as the committee has forgotten to guard this provision. I ask the Clerk to read the amendment moved in the Senate by the then chairman of the Committee on Indian Affairs.

The Clerk read as follows:

For carrying into effect the award of the Senate made March 9, 1859, pursuant to the eleventh article of the treaty with the Choctaws of June 22, 1855, \$2,332,560.83. So much thereof as shall be necessary for the payment of the claims which by the twelfth article of the said treaty the Choctaws have assumed to pay and of such other liabilities of the tribe as the proper authorities thereof shall ascertain and determine to be just, shall on their requisition be paid over to them at such times and in such manner as they request; and the balance remaining—

Mr. HALE, of Maine. Mark that language.

The Clerk continuing—

And the balance remaining after satisfying such claims and liabilities shall be held in trust for the benefit of the Choctaws according to the provisions of the thirteenth article of the said treaty.

Mr. HALE, of Maine. That was fourteen years ago. From that time up to the present has anything happened that changes the responsibility of Congress as to the disposition of this fund? Gentlemen who are so eager here can take lessons of caution from the Senator who so carefully guarded the best part of this fund.

Now, sir, this amendment gave rise to discussion in the Senate. The ablest men in the Senate took part in it—Mr. Hunter, of Virginia; Mr. Fessenden, then of my own State; Mr. Clarke, of Vermont; and Mr. Toombs, Mr. Davis, Mr. Pugh, and other well-known gentlemen. The ground was taken then, that although there had been a sort of award in the Senate, yet it was an affair of so much importance that it ought not to be considered in the hurried hours of the last days of

the session upon an appropriation bill, Mr. Fessenden himself making that point. And although the proposition was well hedged about, yet if the Clerk will turn over three or four leaves beyond that which he has been reading he will find the record of the yeas and nays vote. I ask him to read the record of that vote.

The Clerk read as follows:

Page 695, June 14, 1860. Mr. Hunter called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 22, nays 24.

Mr. HALE, of Maine. That will do. That was the end of it, Mr. Chairman, and from that day for years, not only during the war but long afterward, it slept. If there was such a pressing and pushing demand in this case, why did it sleep so long? The only action of importance on the part of Congress since then, with the exception of at one time providing for payment in part which no one held as covering the whole, was a clause put in an appropriation bill providing that the claim should not be paid.

Now it is declared, in the last ten days of the session, upon the last appropriation bill with little time for discussion, that this should be pushed through. Sir, who is pushing it? Who is urging this claim? I have been here for months during this winter, as other gentlemen have, and I have yet to see any delegation from the Choctaw tribe of Indians representing their people, their schools, their churches, their good government.

Mr. PARKER, of Missouri. Will the gentleman permit me to ask him a question?

Mr. HALE, of Maine. Certainly.

Mr. PARKER, of Missouri. I can tell the gentleman the reason why he has not seen a delegation from the Choctaw tribe of Indians. It is because they have been satisfied long since he was not willing to pay them. That is the reason.

Mr. HALE, of Maine. I do not know what parties in Washington thought. I used the first person in saying that no Choctaw delegation had been seen. I mean that nobody has said it. If such have been here, why have we not all seen them? If we are sensitive as to our obligation to the tribe why not simply declare, as Mr. Sebastian did in 1860, that it shall go to the tribe directly when that tribe have adjudicated their liabilities, and then the balance shall be paid as the treaty provides into a fund for educational purposes?

Sir, when this money leaves the Treasury I want it to flow to sources where it will properly fructify. The gentleman from Missouri is a man who has no part or parcel in any Washington lobby. I heartily credit him with that. He has proved it by an honorable service in this body. But, sir, I make this prediction, and I will stand on it in the future, that if this appropriation is made in the way the gentleman provides, if it is paid into the hands of the persons named in this section, there will be in less than three years a great national scandal and disgrace following directly upon the knowledge which cannot long be suppressed that little of the fund reaches the Indians. I do not believe the tribe as a tribe will get \$500,000 of the money. The Indians never will get \$100,000 of it. This I believe, and if I prove wrong I predict further that gentlemen will see around and about Washington and elsewhere, not in these seats thank Heaven, but outside, the most hungry and disappointed set of ravenous wolves that ever howled in our lobbies and sought to crowd a measure in which they have a part and parcel through Congress. One of these two things will be sure.

I have been told that a gentleman on the floor has an amendment which will put this fund directly into the hands of the tribe with a balance reserved according to treaty stipulations for tribal use. If that is so I shall be glad to vote for it. If it is not so, I have an amendment prepared which will cover that ground; and if the House must pass this appropriation, then I will move to amend it so the object of the treaty will be carried out and these Indians will get their money.

[Here the hammer fell.]

Mr. PENDLETON. I will take the floor and yield what time I have to the gentleman from Maine if he desires it.

Mr. HALE, of Maine. I will not trespass further on the time of the House. I am obliged to the gentleman from Rhode Island, but if the points that I have made are not good there is no use in my further enforcing them.

Mr. SPEER. Three days ago a motion to suspend the rules was carried in the House making this section in order to this bill. As gentlemen well know, that motion could not be debated. On that day, while the vote was being taken, this floor swarmed with lobbyists beyond anything I have ever seen during my service here. There is not a man who has been hanging upon these corridors for the last three years, whose mark is upon his face as a paid and corrupt lobbyist, who was not on this floor on that day if he could get within the bar of the House. I do not say this claim is in itself fraudulent. But I say that it is supported and pressed upon this House by the most infamous set of legislative jobbers known in our history. If this claim be honest and right, let it stand upon its own merits as an independent proposition. If the Government owes these Indians, the Government should be great and honest enough to pay them, and it is.

Mr. COMINGO. Will the gentleman give way for an inquiry?

Mr. SPEER. If it be a proper one, surely.

Mr. COMINGO. The gentleman just remarked that this claim is pressed upon this Congress by the most infamous set of jobbers ever connected with this House. The gentleman's remark is so general that



I suppose it applies to all who have ever advocated this claim to the present time.

Mr. SPEER. Not at all.

Mr. COMINGO. I wish the gentleman to state whether in his remarks he includes any of those who have made reports upon this claim at the present session?

Mr. SPEER. No, sir. I very cordially except the gentleman from Missouri. He is an upright, honorable man. In speaking of lobbyists, I did not refer to members of the House. I referred to ex-members of the House. And if the gentleman does not know who they are I will give him their names privately.

Mr. COMINGO. I do not know who they are.

Mr. SPEER. I say that if this is an honest proposition it should stand upon its own merits as any other claim against the Government.

But here a proposition, involving nearly \$3,000,000, by some political magic, is carried by a two-third vote on this floor, with the floor and the corridors swarming with lobbyists, and is attempted now to be put through on a bill to which it does not belong and where it should never have been placed. I make no accusation against members of the House. I believe the gentlemen who support the proposition, or many of them, are honorable men. I believe the claim, or a portion of it, is honest. But I would never agree to pay under the pretext of benefiting the Indians, who are the wards of the nation, to two irresponsible men, without bond or security, representatives of a corrupt ring behind them, this large sum of money. I would never agree to give to those men moneys of the Government in these negotiable bonds, whose title passes by delivery, to be handed around in the streets and in the corridors to the lobby here. I would not vote the people's money into the hands of these men who are employed here as lobbyists and expecting their pay in bonds of the Government belonging to the Indians. Let us carry out the treaty. Let us set apart a fund, the interest of which shall be sacredly set apart and be payable to them. Let us pay them the interest, and if they need more than the interest, let such portion of the principal be paid to them as the Secretary of the Interior in his judgment and discretion shall deem proper. But let this House vindicate itself. Let it vindicate the honor of Congress and the honor of the nation by kicking from this floor this day this proposition supported by every agency and means that fraud and corruption can command.

[Here the hammer fell.]

Mr. HARRIS, of Massachusetts. Mr. Chairman, I desire to occupy the attention of the committee only a few moments upon this question. I desire to say that having been called as a member of the Committee on Indian Affairs to investigate this case and to report upon it, I was led to the conclusion that no more stupendous fraud has ever been perpetrated upon any people since the foundation of the world than the Government of the United States has perpetrated on the Choctaw Nation. In 1820 they surrendered to the United States four and a half million acres of their lands in Mississippi; and for that land they took a territory in the Indian country, bounded by the western boundary of Arkansas, and lying between the Arkansas River and the Canadian branch of the Arkansas River and the Red River.

They were promised by the Government protection. They had left them in the State of Mississippi ten and a half million acres of land. In 1830 the United States Government notified the tribe that it was powerless to protect them, and that they must submit themselves to the laws of Mississippi; and that tribe of Indians under that threat surrendered all the best lands in the State of Mississippi—ten and a half million acres which the Government promised to survey and pay them for. The United States has received \$7,500,000 in cash into its Treasury for that land. It has given away to the State of Mississippi two and a half million acres of that land. It has paid into the treasury of the State of Mississippi \$360,000, or 5 per cent. of the proceeds of those sales, and yet the Indians are here to-day unpaid; and the gentleman from Pennsylvania [Mr. SPEER] rises now and says that because a lobby is here which may receive some of these funds the wrong which we have perpetrated so long on this Indian tribe shall be continued.

Mr. SPEER. Will the gentleman yield to me for a question?

Mr. HARRIS, of Massachusetts. Yes, sir.

Mr. SPEER. Why do you not provide for the payment of this money directly to the Indians instead of to a set of claim agents and lobbyists?

Mr. HARRIS, of Massachusetts. I hope that before the bill passes the amendment proposed by the gentleman from Maine [Mr. HALE] to this section will be adopted. I want to see the fund guarded. But, Mr. Chairman, can the American Government longer continue this great fraud upon the Indians? After the Senate had awarded \$2,900,000 as the amount of this debt, a committee of that body took from the award the sum of \$1,099,000 for two million acres of land, and \$360,000 which had been paid to the State of Mississippi, and another item, I forget now what.

Mr. SHANKS. The gentleman said he hoped the amendment of the gentleman from Maine would be adopted. I understand that to be to strike out the section.

Mr. HARRIS, of Massachusetts. Not at all. I understand that he proposes that the twelfth section of the treaty of 1865 shall be carried out in its letter. He desires an amendment to that effect, and I agree with him.

Now, Mr. Chairman, what is the state of the case to-day? After taking out all the deductions that could be thought of, after making the Indians pay to the warriors of the Wayne campaign the pensions which the Government of the United States promised them, after having made them pay for their transportation to their new homes, after having made them pay for cattle which they had given up to the Government, after having made every conceivable charge against them, there is due the Choctaw Nation to-day the sum of \$2,300,000, without a particle of interest from 1834, the time when the lands were sold by the United States to the white settlers.

Mr. COX. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. HARRIS, of Massachusetts. Certainly.

Mr. COX. What evidence has the House or had the committee that these two agents named in the section are authorized to receive this money?

Mr. HARRIS, of Massachusetts. I have not the evidence; but I understand, however, that they are the agents of the nation.

Mr. COX. I never saw a bill so loosely drawn. It is proposed to pay the money intended for the whole tribe to two persons, and you give us no authority to show that they are authorized to receive it for the nation.

Mr. HARRIS, of Massachusetts. I presume the Treasurer of the United States will never pay this money to persons who do not show their authority. Pitchlynn himself is an Indian of this tribe, and when he left the original Indian country he was possessed of quite a large estate of his own which he surrendered and for which he has never received a dollar.

Mr. HALE, of Maine. When was that?

Mr. HARRIS, of Massachusetts. Somewhere about 1834.

This matter came before the Committee on Indian Affairs by a reference from the Committee on Appropriations. We investigated it and had we had the power we should certainly have reported a bill making this provision; but we were only asked to give the result of our investigations to the Committee on Appropriations for their guidance, and it seems to me a little unfair that gentlemen of that committee should rise upon this floor, having had charge of this matter during the whole session and object to the passage of the claim because it is not undertaken to be passed in a separate and independent bill.

[Here the hammer fell.]

Mr. KASSON. I believe it is in order to perfect the section pending the motion to strike it out. I move to strike out all after the words "delivered to," in line 11, down to and including the word "nation," in line 14, as follows:

Peter P. Pitchlynn and Peter Folsom, the authorized delegates and agents of the Choctaw Nation, or to either of them who may demand the same in behalf of the nation.

And to insert in lieu thereof the following:

The Secretary of the Interior, for the benefit of the Choctaw Nation and the people thereof, according to the terms of the treaties providing for the same.

This amendment strikes at the central point in this debate, and that is whether the Indians will, as the section now stands, get the benefit of this appropriation if it is made by Congress. Whether this amendment be adopted or not, I desire to say that in the next page of the section I shall also offer an amendment designed to get the amount placed at that sum which is due to the Indians after deducting all the payments that have been made to them by special appropriations of Congress, of which I remember some made during my former service in the Thirty-ninth Congress on the Committee on Appropriations and not made in consequence of previous law or treaty.

But my object now, sir, particularly is to say that having voted to suspend the rules to make this appropriation in order here, I did it for the purpose of settling if possible, as a question of justice, whether these Indians were entitled to something or not. I believe they are entitled to compensation for these lands and upon the basis of the senatorial award. But having said this frankly, I desire with equal frankness to say that I do not believe that this section will accomplish the purpose of members who believe with me that the Indians themselves are entitled to compensation. I dislike exceedingly to allude to outside lobbyists. I dislike to allude to the fact that a large number of contingent fees are widely and well understood to be dependent upon this appropriation and are to be paid out of the interest fund, yet such an impression is broadly spread in this House. If I had the authority of an honorable gentleman once a member of this House, who had some relation to this claim, I would willingly state my authority for the declaration that there have been pledges to the amount of over \$900,000 of contingent allowances depending upon the ultimate allowance of this claim. I do not wish to state it as a fact; I only wish to say that the very fact that such an opinion prevails among honorable members of this House is enough to make us guard this appropriation in such a way that what we do appropriate will surely reach its proper destination.

Therefore I say that in order to accomplish that purpose the first thing that we ought to do in the interest of these Indians, the first thing that these delegates—who, let me say, I believe to be authorized delegates of the Choctaw Nation—ought to demand of us is that we take these bonds at once from their hands, hands that are tied, if what gentlemen on this floor believe to be true is true, and put them in the hands of an officer of the United States to be disposed of according to the treaty. There they will be safe, there the lobby-

ists, if they have these large contingent fees, cannot reach them. And in that way it seems to me we shall have redeemed the honor of the United States, if that honor is pledged to this payment.

[Here the hammer fell.]

Mr. COMINGO. Inasmuch as I have had some connection with this claim as a member of the Committee on Indian Affairs of this House, and I have heard it antagonized this morning for various reasons, none of which appear to me to be very substantial, I desire to add a few words to what has been said by my colleague, [Mr. PARKER.] It is passing strange that the chief objection urged by gentlemen to this appropriation is that it may be misapplied; that they should come here and move to strike out the whole section simply for that reason is to my mind a singular fact. I believe there is not a gentleman of all those who have antagonized this measure this morning who has pretended to controvert the justice of this claim. If there is one on this floor who has done so, I have not understood the language he has used. I defy any gentleman on this floor or elsewhere to show to any honest man the least evidence of fraud in this claim, either in its inception or in its present condition.

Gentlemen talk here very flippantly about rings and lobbyists. I have been connected with this claim as one of the sub-committee whose duty it was to consider it. If there had been a lobbyist in this city in behalf of this claim I suppose he would have approached me. I have never heard in that connection that there was any one here acting as a lobbyist in behalf of this particular claim. But even if such were the case, I ask gentlemen who have raised such a hue and cry about these lobbyists what has that to do with the validity of this claim? If those gentlemen are honest in their opposition to this section in its present shape, then why not amend it? I am willing to go with them to the utmost extent to perfect this section.

Mr. HALE, of Maine. Will the gentleman vote for the amendment of the gentleman from Iowa, [Mr. KASSON?]

Mr. COMINGO. I will vote most cordially for anything necessary to protect this fund. I call the attention of gentlemen to the fact that lobbyists or some other influences have kept this money out of the hands of these Indians for almost forty-four years. I ask gentlemen to look at the facts in this case, and the enormous injustice which, as a people, we have done to these our wards in the manner in which we have deferred the payment of this claim. I stand here prepared to stake all I have in the way of reputation upon the justice of this claim, and the great importance of our paying it at the present time.

I will not undertake to discuss this claim at length; it would require more than twenty-five minutes to do so, instead of the five minutes allowed me under the rules. But I wish to call the attention of gentlemen who are here to-day trying to hinder and delay the payment of this money by such pretexts as they have presented this morning, to the fact that in 1830 we made a treaty with these Indians and removed them from their homes east of the Mississippi. They ceded their lands to us then for the purpose of having peace. If gentlemen will take the trouble to look at the preamble of the treaty of 1830, they will find that these Indians were constrained to remove from east of the Mississippi and to part with their lands not because they were tired of their possessions there, but because they were unsafe and insecure and because the United States, as is alleged in that preamble, was unable to protect them from the aggressions of their neighbors.

I beg that gentlemen reflect upon this fact: that since 1833 or 1834, as has been stated by my colleague on the committee, we have had seven or eight millions of this people's money in our Treasury, and refused to give them but \$250,000, which was allowed a few years ago. By the treaty of 1850 we did not acknowledge that these Choctaws had a valid claim against the United States. But we admitted this much, that they had set up a claim against the Government, and that they wished, and we were willing, to have it adjudicated. And by the treaty of 1855 we agreed that we would refer this claim to a tribunal of our own choosing.

The basis of this claim is found in the treaty of 1830. To what extent and in what manner these Indians have prosecuted that claim from 1830 to 1855 it is not important that we should inquire. But we know that in 1855 a treaty was effected between the Government of the United States and these Indians by which it was stipulated that this claim should be referred to the United States Senate as an umpire. That was a court of our own selection, a court elected by the people of the United States, and to which this claim was referred for adjudication. In 1859 that court considered and tried the claim. Their resolutions have already been referred to by my colleague. They establish two facts; first, that the Choctaws were entitled to the net proceeds of the sale of their lands west of the Mississippi River. After a full hearing of all the facts that bore upon that treaty and of the considerations that moved these Indians to make it, the United States Senate, the highest court of this country, determined that the Choctaws were entitled to the net proceeds arising from the sale of their ten and a half millions of land, or so much thereof as had been sold. Not only so; they determined that the Indians were entitled to twelve and a half cents per acre for all the lands that remained unsold.

[Here the hammer fell.]

Mr. CLYMER. I rise to oppose the pending amendment, and yield my time to the gentleman from Missouri, [Mr. COMINGO.]

Mr. COMINGO. The court which rendered this judgment or award

in 1859 was, as I have stated, one of our own selection, composed of men selected by us, in whom we then confided, and in whom he have never had occasion to lose our confidence. That court determined that the Indians should receive the net proceeds (with certain exceptions) of the land sold, and also that they should be entitled to twelve and a half cents per acre for all that remained unsold. Having made this finding, that tribunal devolved upon the Secretary of the Interior the duty of making an account-stated and determining the balance due these Indians at that time.

Now, any gentleman who will take the trouble to examine this subject will see that these Indians had confided their interests to the hands of those who were disposed not to do justice to them, as I can abundantly show, but to take the last farthing that could be taken from them under any shadow of a pretext.

There were about four and a half million acres of land that had not been sold at the time of that award. The lands which had been sold amounted I believe to some seven or eight million dollars. For the four and a half million acres remaining unsold the Indians were to be paid at the rate of twelve and a half cents an acre. Let any gentleman who desires to ascertain the truth on this behalf refer to the account stated by the Secretary of the Interior in pursuance of this order of the Senate, and see how unfairly these men were dealt with. They were treated almost as unfairly as gentlemen on this floor seem disposed to treat them to-day. Gentlemen seem to smell rings and lobbies all around; they are afraid that somebody who is not entitled to it may get a part of this money; and therefore they would lock it up in the Treasury and let these Indians go unclad, unfed, uneducated, and wholly unprovided for. I repeat, that the account stated by the Secretary of the Interior was as unjust to the Choctaws as it was possible to make it, but surely not more so the wrong which gentlemen here propose to perpetrate upon them. Even the proposed appropriation does them gross injustice. Instead of giving them, in accordance with the award of the Senate, sitting as an umpire, twelve and a half cents per acre for the four and a half million acres remaining unsold, they charged them ten cents an acre for surveying the whole ten and a half million acres; thus allowing them only two and a half cents per acre for that which they resolved to pay twelve and a half cents per acre.

But I wish to show another outrage in this connection. The injustice which we did to these wards of the nation did not end in giving them only two and a half cents instead of twelve and a half cents per acre for their lands. We went further. The Secretary of the Interior, in stating the account, (and the Committee on Appropriations of the present Congress proposes to perpetuate this injustice,) charged those Indians with all the lands which this Government in its benevolence or munificence had seen fit to give to the State of Mississippi, amounting in value to three or four hundred thousand dollars if not more. In addition to that, the Government of the United States in its exceeding liberality gave to the State of Mississippi 5 per cent. of the net proceeds of all the lands that had been sold, and deducted it from the amount derived from the sale of those lands; and the Committee on Appropriations at the present session have sanctioned this act of injustice by deducting these sums from the amount found due in 1859. In that particular I say they propose to perpetrate an outrage upon these people. But notwithstanding we have thus taken more than \$600,000 of this fund that was found due to these Indians by the award of the Senate in 1859, we find gentlemen standing on this floor to-day and saying to these claimants, "Go home, and you shall receive this money when we may be pleased to give it to you;" but it is not our pleasure to do so at present. Gentlemen ask, "Who is Pitchlynn? Who is Folsom?" If they will look at the treaties they will find that Pitchlynn is a Choctaw; I think he is a Choctaw chief. It was he that negotiated the treaty of 1855; it is he that has been prosecuting this claim for years; he who has been knocking at our doors for this appropriation ever since that time, and who to-day asks us to perform a long-deferred and simple act of justice.

The gentleman from Maine [Mr. HALE] tells that \$600,000 of this money has been appropriated to lobbyists. In the name of God, how does he know that? From what source does he get his information? If he knows that a portion of this money has been appropriated to lobbyists and to members on this floor, I demand that he come forward and tell us who are the parties implicated. The intimation has been thrown out that a corrupt influence has been brought to bear upon members of this House by which legislation is sought to be secured. Now I ask the gentleman to tell us who are these lobbyists and who the members that have been by them corrupted. If they are here and are doing as the gentleman from Maine charges and as the gentleman from Pennsylvania [Mr. SPEER] intimates, I insist that those gentlemen are not true to themselves, not true to their duty as members of this House, nor to their duty as loyal American citizens, if they do not take measures to bring these offenders to justice. I demand that it shall be done.

[Here the hammer fell.]

Mr. GARFIELD. I ask unanimous consent that at the end of ten minutes a vote may be taken on this question.

Mr. PARKER, of Missouri. I object to that. I want to be heard on this new question that gentlemen have raised.

Mr. GARFIELD. Very well; I will let the debate run on a while longer.

Mr. STARKWEATHER. I desire to say a few words on this bill.



Mr. GARFIELD. I give notice that at the end of ten minutes I shall move that the Committee rise, to close debate on this question.

Mr. STARKWEATHER. Mr. Chairman, this is a very important question; important in the amount sought to be appropriated, but vastly more important in the great principle on which we are required to pass. There seems to be really but one side to this question. Every gentleman who has spoken has admitted the justice of this claim; every committee which has ever examined it has decided in favor of its merits; of all the gentlemen who have spoken only one has made a suggestion, and that gentleman thinks this is not enough.

These Indians want something. They want a part of the much they are entitled to. They want this rather than have a longer delay. After forty years these men who have been deprived of their lands and driven from their homes come here for justice. Congress has recognized the claim as just, and we cannot deny it now without stultifying ourselves. Let this tardy act of justice be done. "Righteousness," says the proverb, "exalteth a nation."

What is our position? It is this: The United States by solemn treaty nearly half a century ago pledged its honor to compensate these Indians for their lands. After years of delay the Senate of the United States on full examination made a solemn award, in which they find the balance due as stated in the bill, after making all possible deductions.

We have the lands we almost forced them to leave, for it was equivalent to force. At our bidding they left their old homes and crossed the "Father of Waters," and "their garments are wet with the dews of the Jordan they have passed," never to return.

Yet, sir, there are gentlemen here asking for a longer delay. Why? Is there not time for discussion? Has not the matter been fully discussed? I am surprised to hear the chairman of the Committee on Appropriations say that we need more time to consider this subject. Why we have here the report presented by the chairman of the subcommittee of the Committee on Appropriations. That subcommittee consisted of Mr. PARKER of Missouri, Mr. LOUGHRIDGE of Iowa, and Mr. HANCOCK of Texas. They examined this matter early in the session and presented a report giving all the facts, which report gentlemen will find before them. That report was presented to the Committee on Appropriations, and there was not a man on that committee who could say this claim had not justice in it.

More than that, Mr. Chairman, the Committee on Indian Affairs of this House, composed of gentlemen who understand this whole question from top to bottom, made a unanimous report in favor of it.

We are asked, notwithstanding all these things, to still further postpone this claim now almost half a century old. We are asked to send these old men who come here to represent their tribe, to send these missionaries of different denominations who come and ask for justice at our hands, to send these representatives of the various religious denominations who come here to ask for justice—we are asked, I say, to send these old men home again with this claim unpaid and themselves branded as "lobbyists," when they came here not on their own account, but appointed in solemn council as the accredited agents of the Choctaw Nation for the transaction of this very business. Now, shall we send them back to their homes scourged and branded as "lobbyists," when they have only presented to us a just claim which the Government ought to pay? Shall we do this when we have taken their lands from them, when we have \$8,000,000 of their money in our Treasury—shall we, I say, deprive them of this because, as is urged, we have no time now to consider the matter?

Mr. Chairman, seven different committees at different sessions of Congress have recommended the passage of this claim. The Judiciary Committee of the House and of the Senate and the Committee on Appropriations of the House and of the Senate and different Indian committees have unanimously passed on this claim after the fullest examination, and still we are asked to delay its payment.

Mr. HALE, of Maine. Has there ever been such a report as this? Has there any such bill ever been reported providing for giving this fund to two particular persons?

Mr. STARKWEATHER. It is not given by the bill to two persons.

Mr. HALE, of Maine. They are named in this very section.

Mr. STARKWEATHER. I do not yield further. I will explain that. We provide in this section for that which has had not only the sanction of the chairman of the Committee on Appropriations, but was suggested by him. He himself suggested, as I understand, that it should be paid to these men if they should have the approval of the council of the Choctaw Nation. Such is the provision in the section and the very thing objected to was suggested by the chairman of the committee himself, as I suppose, as a proper safeguard.

Mr. GARFIELD. I beg the gentleman's pardon: I did not ask it should be paid to these men, but when it should be paid that it should be paid with the consent of the council of the Choctaw Nation.

Mr. STARKWEATHER. And we provide that it shall be paid to these two men who are appointed as the agents of the Choctaw Nation. How can we pay except to the agents of the tribe?

Mr. GARFIELD. Pay it to the tribe itself.

Mr. STARKWEATHER. That is what we do.

Mr. HALE, of Maine, rose.

Mr. STARKWEATHER. The gentleman from Maine has had twenty-five minutes while I only have five, and I cannot yield.

We provide these men shall have the approval of the Choctaw

legislative council. These Choctaws have their schools, their churches, and their farms, and they have made most creditable progress in civilization. We cannot afford as a Christian nation (for there is a judgment day for nations as well as for individuals) to turn our backs upon men who come and ask the payment of an honest claim. Nor ought the gentleman from Maine [Mr. HALE] to make the objection he does that this is an old claim. Last year or the year before we voted an old claim for the State of Maine of several hundred thousand dollars for interest. Last year this House voted an appropriation to Ohio, and the chairman of the Committee on Appropriations voted for it, to pay her an old claim.

Mr. GARFIELD. I voted against it.

Mr. STARKWEATHER. Everybody else from the State of Ohio voted for it. This year we voted \$1,000,000 to pay England's claims not three years old. Will you pay England and not pay these men, when you have three times as much of their money in the Treasury and when they only ask this pittance. We have taken their lands, and what is here proposed is not one-third of what you have received for those lands. Why should we not pay them at once and not postpone it? The proviso to this section is a safeguard not only to the Government but to the Indians.

The committee say in their report:

1. The United States acquired the lands of the Choctaw Nation on account of which the said award was made on the 27th day of September, 1830, and it has held them for the benefit of its citizens ever since.

2. The United States had in its Treasury, many years prior to the 1st day of January, 1839, the proceeds resulting from the sale of the said lands, and have enjoyed the use of such moneys from that time until now.

3. The award in favor of the Choctaw Nation was an award under a treaty, and made by a tribunal whose adjudication was final and conclusive. (*Comegys vs. Vasse*, 1 Peters, 193.)

4. The obligations of the United States, under its treaties with Indian nations, have been declared to be equally sacred with those made by treaties with foreign nations. (*Worcester vs. The State of Georgia*, 6 Peters, 582.) And such treaties, Mr. Justice Miller declares, are to be construed liberally. (*The Kansas Indians*, 5 Wallace, 737-760.)

5. The engagements and obligations of a treaty are to be interpreted in accordance with the principles of the public law, and not in accordance with any municipal code or executive regulation. No statement of this proposition can equal the clearness or force with which Mr. Webster declares it in his opinion on the Florida claims, attached to the report in the case of *Letitia Humphreys*, (Senate Report No. 93, first session Thirty-sixth Congress, page 16.) Speaking of the obligation of a treaty, he said:

"A treaty is the supreme law of the land. It can neither be limited nor restrained nor modified nor altered. It stands on the ground of national contract, and is declared by the Constitution to be the supreme law of the land, and this gives it a character higher than any act of ordinary legislation. It enjoys an immunity from the operation and effect of all such legislation."

Then as to the mode of payment provided in this bill, it cannot be more guarded, and all these amendments are but pretexts for defeating this bill. That is what it means. If the gentlemen who voted to make this claim in order on this bill mean to pass it, they will pass it now without amendment. The amendment of the gentleman from Maine [Mr. HALE] means postponement and defeat. It means that we will pay millions to pay old debts to others to build magnificent buildings, but we will not pay this honest debt.

[Here the hammer fell.]

Mr. SHANKS rose.

Mr. GARFIELD. I move that the committee rise for the purpose of limiting debate.

Mr. SHANKS. I desire to be heard only for a few moments.

Mr. GARFIELD. I withdraw the motion until the gentleman from Indiana gets through.

Mr. SHANKS. I wish to answer some questions that have been put to the House on this matter. I do not care to go over a single one of the arguments on this question which have been already gone over. But I do wish to answer one question which was asked by the gentleman from Maine, which he asked with a good deal of spirit, and in which it might be thought there was something that remained unanswered. He asks, "Why has this been delayed so long?"

The gentleman says that this is a claim thirty years old. But, sir, during those thirty years there has been much done in regard to it. It was only as far back as 1855 that the Senate of the United States was made an umpire by its own agreement with this Indian tribe for the settlement of this identical question. The treaty of 1855 had nothing in it but the settlement of this question. It was made a treaty by the consent of the Senate for that purpose.

There were two propositions laid down at that time. The Senate of the United States was authorized as umpire to settle this question in one of two ways, and it was not authorized to settle it in any other way. One of the ways was this: that they might declare as umpire an amount in bulk, an amount in gross, as to how much we were to pay the Indians for the claim. The other was that they should consider the net amount of the proceeds of the land that we got from them. The Senate by its resolution decided in favor of basing the settlement on the net proceeds and directed the Secretary of the Interior to render an account upon that. That account was rendered, amounting to \$2,900,000. The Senate then took out the items for lands that Congress had given away for schools, railroads, and the 5 per cent. fund to improve the country; so that the Senate made the Indians build our school-houses, educate our children, construct our roads, and build our railroads. That was what the Senate did after the rendition of the account by the Secretary of the Interior. That, too, after we had taken out the pensions paid to men who fought under our

own flag. That, too, after we had agreed to send those people to their new homes. We charged them over a million for it. After all these deductions, amounting to \$2,300,000, when no man could find occasion for plundering them of another dollar, there was then appropriated \$500,000. That confirmed the award and made it as binding as any transaction between men could be. When an account was rendered part of that amount was paid. That is what we did. On that we paid \$250,000.

Now, then, comes the question of the gentleman from Maine as to why this has been delayed so long. The war broke out in 1861. These people found themselves in the hands of the rebels, and a United States officer, a United States agent, Douglass H. Cooper, appointed by the Government, commissioned by the United States, led those Indians in rebellion against the Government and commanded them during the war. That threw them in opposition to the Government. By a statute passed in 1862, the officers of the Government were forbidden to pay tribes of Indians a portion of whom were at war with the Government. At the close of the war the question was in the same position; \$250,000 were paid over, and the other \$250,000 were to be paid in bonds. This has not been paid yet.

Why has it been delayed so long? Since that time these people have been here asking us to settle this account. And during that time the reports have been presented which have been mentioned by the gentleman from Missouri, [Mr. PARKER.] The gentleman from Massachusetts, [Mr. DAWES,] when chairman of the Committee on Appropriations of the House, reported in favor of it. The Committee on Indian Affairs twice reported in favor of it. The Committee on Appropriations at this time have reported in favor of it.

#### ORDER OF BUSINESS.]

The SPEAKER, having resumed the chair, said: This being the third Monday of the month, and the hour of two o'clock having arrived, the Committee on the District of Columbia are entitled to the floor.

Mr. GARFIELD. I would suggest to the chairman of the Committee on the District of Columbia that we be allowed first to finish this bill.

The SPEAKER. The Chair would state that the floor cannot be held by the Committee on the District against a motion for a suspension of the rules.

Mr. GARFIELD. I desire that we may finish the sundry civil bill, and I think the chairman of the Committee on the District of Columbia will have plenty of time for his business after we are through with that bill.

Mr. COTTON. I should have no objection to allowing the gentleman until three o'clock, if that will do.

Mr. GARFIELD. I will move to suspend the rules so that we may continue the consideration of the bill, with the understanding that when we get through with it the District business shall come up.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

- An act (H. R. No. 311) for the relief of William J. McIntyre;
- An act (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers;
- An act (H. R. No. 546) for the relief of William B. Morgan;
- An act (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;
- An act (H. R. No. 958) for the relief of Robert Sutherland;
- An act (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster out of the service of the United States as of the date of their dismissal;
- An act (H. R. No. 1108) for the relief of Alfred Fry;
- An act (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment Wisconsin Volunteers;
- An act (H. R. No. 1313) for the relief of Alexander Burch;
- An act (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Fifth Regiment Indiana Cavalry Volunteers;
- An act (H. R. No. 1768) for the relief of Ephraim P. Showalter;
- An act (H. R. No. 1773) for the relief of Samuel E. Rankin;
- An act (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;
- An act (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon;
- An act (H. R. No. 2037) for the relief of Julius Griesenbeck, of Waco, Texas;
- An act (H. R. No. 2091) for the relief of the heirs and next of kin of Colonel William Northedge, deceased;
- An act (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry;

An act (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry;

An act (H. R. No. 2211) for the relief of Beck & Wirth;

An act (H. R. No. 2223) for the relief of Robert F. Winslow;

An act (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

An act (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the years 1872 and 1873;

An act (H. R. No. 2697) to create an additional major of artillery, and to promote Captain James M. Robertson;

An act (H. R. No. 2698) for the relief of Joseph C. Breckinridge for services in the Army of the United States;

An act (H. R. No. 2699) for the relief of Robert Tillson & Co., of Quincy, Illinois;

An act (H. R. No. 2704) for the relief of Selden Connor;

An act (H. R. No. 2788) for the relief of Henry P. Ingram and John K. Askins;

An act (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-fourth Regiment New York Volunteers;

An act (H. R. No. 2939) to compensate D. R. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers;

An act (H. R. No. 3001) for the relief of Peter J. Knapp;

An act (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

An act (H. R. No. 3003) for the relief of George A. Bacon;

An act (H. R. No. 3183) for the relief of Jonathan D. Hale;

An act (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

An act (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan; and

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army.

#### MISCELLANEOUS APPROPRIATION BILL.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil bill, and pending that motion I move that all debate on the pending section and the subject thereof be limited to ten minutes after the committee shall resume the consideration of the same.

#### COMMISSIONS OF CERTAIN ARMY OFFICERS.

Mr. COBURN. I ask unanimous consent that the House request a committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 3166) to correct the date of commissions of certain officers of the Army.

No objection was made, and it was so ordered.

Mr. COBURN moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. COBURN, Mr. ALBRIGHT, and Mr. NESMITH as the conferees on the part of the House.

#### MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the motion of Mr. GARFIELD to limit the time for debate upon the pending section of the sundry civil appropriation bill in Committee of the Whole.

Mr. GARFIELD. I will modify my motion so as to close debate on the pending section of the sundry civil appropriation bill in Committee of the Whole in fifteen minutes.

Mr. COTTON. I desire to understand the proposition of the gentleman exactly.

Mr. GARFIELD. It is that the House now go into Committee of the Whole, with the limitation of debate I have indicated, and when the committee rises the gentleman shall have his rights.

Mr. COTTON. The same as now?

Mr. GARFIELD. Of course.

The motion to limit debate was agreed to.

Mr. GARFIELD. I now move that the House resolve itself into the Committee of the Whole on the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and resumed the consideration of the bill (H. R. No. 3300) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House all debate upon the pending section of this bill is limited to fifteen minutes.

Mr. PARKER, of Missouri. I desire to make a few additional remarks upon one of the points raised by the gentleman from Maine, [Mr. HALE.] Some way or other I have the impression that all the amendments proposed by the gentleman from Maine are simply to delay or defeat the proposition embraced in this section.

The question has been raised here that this money should not be paid in the manner proposed by this section; that it should be funded and placed in the hands of the Secretary of the Treasury. I believe the proposition of the gentleman from Iowa [Mr. KASSON] is that this



money shall be placed in the hands of the Secretary of the Interior. Now let me state to the Committee of the Whole one objection I have to that method of disposing of Indian funds, especially when they belong to tribes who I am satisfied are capable of taking care of their own interests. We have said that these Choctaw Indians are able to take care of their own interests. By the eleventh article of the treaty of 1855 we provided that all the money necessary to satisfy the individual claims of Indians against this nation should be paid to them. We then regarded them as entirely competent to take care of their interests.

The fact is that these claims, which have accumulated and been drawing interest from the time of the removal of these people to this time, may absorb all of this money. But if it would not, I object to any longer funding the moneys belonging to these Indians and putting them in the Treasury of the United States where annually Washington attorneys, as they have been doing for fifty years past, are around the doors of the Treasury waiting for a slice of it. I prefer to give this money to the people who are entitled to it and entirely competent to manage it for themselves in their own way.

During the war the officers of our Government went into the Indian country and stole the cattle of these people and the herds of these people; they burned down their school-houses. These people ask for this money to beautify and improve their homes, and to replenish the herds that were stolen from them by the sworn officers of this Government. We are asked who are Peter P. Pitchlynn and Mr. Folsom. Sir, they are the authorized agents of these Indians, and have been for many years past.

I have here a volume of the laws of the Choctaw Nation. They are as intelligent and as accurate in language and in intent as any laws passed by this body. These laws contain five different appointments by the Choctaw Nation of these men as their agents. Ah, but the gentleman from Maine [Mr. HALE] and the gentleman from Pennsylvania [Mr. SPEER] say that we ought to pay this money to the individual Indians. My friend from Pennsylvania, who not only smells, but sees and tastes a lobbyist in every man that he meets in connection with this matter, objects to people coming here in connection with this matter. But we cannot pay these individual Indians unless they come here to get it, and that would not meet the approval of my friend from Pennsylvania, [Mr. SPEER.]

There is an old Greek proverb about the manner in which we always make up our opinions of things and persons. It is that we are apt to compare with that which we know best. Every one knows his own mind and heart better than the mind and heart of anybody else. Therefore a man is very apt, according to that proverb, to take his own mind and heart to determine what another would be apt to do under like circumstances.

Among these five appointments I find the following:

*Be it further resolved,* That it is hereby declared to be the intention of the Choctaw Nation that the terms of service of the delegates herein mentioned shall expire whenever the whole amount of the net proceeds question is adjusted and settled by Congress; and said delegates are required to render a full and just report of their proceedings and the progress they are making with the claim from time to time to the principal chief of this nation.

Now, in this section we have provided that not one cent of this money shall be paid to these agents of this people, lawfully appointed as such, until the council of the nation first approves the action of Congress, until their council first acts upon it. I desire to have that provision of the section read.

The Clerk read as follows:

*And provided further,* That before the delivery of the said bonds to the said delegates, as herein directed, the national council of the Choctaw Nation shall pass an act approving the provisions of this act, and shall declare that the receipt of the said bonds by the said delegates, or either of them, on behalf of said nation, is accepted and received by the said nation as a full payment and satisfaction of all claims of the said nation, whether national or individual, growing out of the cession of lands by the said nation to the United States under the treaty of September 27, 1830; a copy of which act, attested by the seal of the said nation, shall be filed with the Secretary of the Treasury previous to the delivery of the said bonds to the delegates aforesaid.

[Here the hammer fell.]

Mr. COBURN obtained the floor.

Mr. PARKER, of Missouri. I would like to have five minutes more.

Mr. COBURN. This is an improper time and manner to attempt to put this measure through this House. It should not be attached to an appropriation bill to be discussed under the five-minute rule and hurried through at the end of a session of Congress, when everybody is tired of investigation and discussion. If brought before Congress at all, it ought to be as a separate measure, resting upon its own merits.

To relate the history of this claim fully would take an hour. From year to year, almost from age to age, it has been presented, and no one in five minutes or ten minutes, or even half an hour, can pretend to discuss the question properly. For this reason alone, if for no other, the section should be stricken out. Independent legislation of this sort should not be attached to an appropriation bill. I would vote to dispose of it in any manner so as to get it out of the bill. Whatever may be the merits of the claim, however just it may be, it should not be passed in this hasty and improper manner.

In addition to that objection to the consideration of the claim at this time there are others which concern its merits. I have in my hand the report of Mr. Banfield, made by him as Solicitor of the

Treasury two years ago, upon this claim, in which report he declares it fraudulent and utterly without foundation.

Several MEMBERS. Let that report be read.

Mr. COBURN. I will read a few sentences from the report. It is lengthy, and could not be read through in two hours:

To say nothing of the apparent fact, which I have endeavored to show from the history of the fourteenth article, that the United States has already paid under it a far greater number than ever had just claims, through practices notoriously fraudulent, there is this great fact, hitherto studiously kept in the background by the claimants, that in 1852, in consideration of the payment at that time of outstanding scrip amounting to \$872,000, the nation guaranteed that no more claims should ever be made under the fourteenth article. That receipt, signed by the nation, forever bars all claim under the article by anybody, and can therefore form no possible ground, in any view, of the recommendation to pay the enormous award of nearly \$300,000,000 which the committee made.

From this history—

A history embracing forty-five pages—

it appears, beyond doubt, that its basis is the alleged right to reservations under the fourteenth article of the treaty of 1830; that under this article a large number of reservations beyond what the Choctaws were legally entitled to were allowed by the Government, although, on the evidence, absolutely fraudulent. But, however this may be, Congress, before they finally paid them, determined that the Choctaw Nation should give a solemn acknowledgment that they should never thereafter make claim again to reservations under the article, as a condition precedent to its action, in paying those which had already been allowed. This the nation having done, the claim, as it seems to me, should be regarded as completely barred by Congress.

[Copy of release referred to in the foregoing letter.]

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease, and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that amount necessary for this purpose be appropriated, not exceeding \$872,000; and that the final payment and satisfaction of said awards shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty, by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known, that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties, under the fourteenth article of said treaty.

Under the release I have just read \$850,000 was paid by the Government and accepted by the authorities of the Choctaw Nation as a complete and final settlement. There the matter should rest. If the account has since been opened, if an equity has been raised on behalf of these Indians, if an obligation has since been incurred by the treaty-making power of the United States, that is matter of discussion for lawyers; it is a question that ought to be investigated thoroughly and completely, and should not be brought in here at the end of an appropriation bill to be discussed under the present circumstances.

I regard this matter as of very great importance aside from the amount of money involved. We ought to adopt and stand by a policy against opening claims of such great age unless some equity of a very strong character is presented.

Here, so far as I can see, there is none. The claim seems to be trumped up after settlement in full more than twenty years. It deserves the fullest investigation and the most thorough discussion, such as we cannot give at this time.

Mr. SHANKS. I ask attention for a single moment. My colleague [Mr. COBURN] has read from a report made by one Banfield. Now this man Banfield has not reflected much glory upon his brow as an American official. That man made this report about a year ago, and connected with it was a contract for \$30,000 to be paid out of the national Treasury to a set of fellows who had claimed to be attorneys for the Choctaws; but when the Choctaws refused to recognize them, and would not pay them, they then went to the Secretary of the Treasury and got a contract for \$30,000 to defeat the very claim for which, as they said in letters which I have in my possession, they had been laboring for six long years. And in an appropriation bill passed in the last Congress there was inserted a proviso forbidding the payment of that \$30,000.

Mr. COBURN. What connection has that with this claim?

Mr. SHANKS. The men connected with that fraudulent transaction in which Banfield figures were Page, of this city, who was kicked by Mr. Dent out of his office on account of his rascality; a man named Grayson; and another man who testified so fearfully before the District Investigating Committee—a man named Kirtland, I believe. That report is the only evidence ever claimed to have been presented against the payment of this money; and it was simply culled from the records of the country on an arrangement with Banfield to plunder the Treasury out of \$30,000.

Mr. HALE, of Maine. I am very glad that the sober attention of the committee has been called to this important subject. I cannot doubt what the result will be. The gentleman from Missouri [Mr. PARKER] and I will have no controversy about the lobbyists. I think I am justified in saying that neither he nor I will ever be believed to have anything to do with that class of men. I have not said that his garments have been touched, but that a raging and roaring lobby has been crowding this claim in our corridors, in the hotels of Washington, and elsewhere. I do know, and I should be blind if I did not see it. The gentleman is being used by men whom he should be glad to

thwart. This I believe. He does not; that is all. I may be wrong or he may be wrong. Time will show.

So far as Mr. Banfield's opinion goes, and he has been alluded to, I have nothing to say. The late Secretary of the Treasury, [Mr. BOUTWELL,] whose integrity no man impeaches, whose industry everybody recognizes, whose faithfulness in office has passed into a proverb, examined this Choctaw claim two years ago, and I ask the Clerk to read his letter.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
Washington, D. C., May 29, 1872.

SIR: I have, at your verbal request, examined certain questions which have been brought to your notice affecting your obligation, under the laws of Congress, to pay over to the Choctaw Nation certain bonds, for the delivery of which claim is made upon you.

I find that no objections to such delivery are made, except such as can be gathered from the various treaties made with the Choctaw Nation and the action taken by Congress upon the claim which has been presented.

I will briefly recite the substantial points of the treaties which are relied upon to sustain the claim, and indicate my views thereon; I see no occasion to go back further than to the treaty of 1820.

This treaty provides for an exchange of a small part of the land of the Choctaws, east of the Mississippi River, for a country beyond the said river, the purpose being that those Indians wishing to become civilized and to be made citizens should remain, and that those who will not work, but prefer to live by hunting, should go to the new country west of the river.

Article 1 of this treaty cedes a part of the Choctaw lands to the United States, defining the same by bounds.

Article 2 states that, in consideration of said cession by the Choctaw Nation, and in part satisfaction therefor, a certain tract west of the Mississippi River, defined by bounds, is ceded by the United States to the Choctaws.

The other articles of this treaty are beneficial to the Indians, engaging to subsist those who remove over the river until they arrive at their new home, and that a part of the land ceded to the United States shall be sold to create a school fund for the benefit of the Indians on both sides of the river, and making other provisions for the comfort and necessities of the Indians.

The report of the Solicitor of the Treasury and an examination of the treaties of 1830 and 1855, with the Choctaw Indians, aided by such information as I have been able to obtain from other sources, tend very strongly to show that there is no equitable ground on which the Government can be required to issue the bonds in question, or make payment of the large sum of money covered by the claim of the Choctaw Nation.

The Department, however, has not had the means of a thorough examination, nor will there be time during the present session of Congress for the proper inquiries by a committee of either House; and I have therefore the honor to suggest that a bill or joint resolution be passed authorizing the Secretary of the Treasury to delay the issue of the bonds until there shall have been further investigation and action by Congress.

Very respectfully,

GEO. S. BOUTWELL, Secretary.

HON. JAMES G. BLAINE,  
Speaker House of Representatives, Washington, D. C.

Mr. HALE, of Maine. That was only two years ago. If gentlemen are prepared, after this examination by a non-interested Secretary of the Treasury into this case and so condemning it as he does, to vote for it, upon them be the responsibility.

Mr. PARKER, of Missouri. Will the gentleman from Maine yield to me for a question?

Mr. HALE, of Maine. I have very little time left.

Mr. PARKER, of Missouri. I wish to know of my friend from Maine whether that opinion, which is the opinion of Mr. Banfield and the Secretary of the Treasury himself knew nothing about it—whether that opinion is his opinion?

Mr. HALE, of Maine. It is the opinion of the Secretary of the Treasury not only from the information of Mr. Banfield but from other sources.

Mr. PARKER, of Missouri. Is that the opinion of the gentleman from Maine?

Mr. HALE, of Maine. It is my opinion that we need as much caution as Mr. BOUTWELL exercised. It is proposed by this section of the bill to pay this money over to two men, Pitchlynn and Folsom. The gentleman from Missouri says it is guarded because it is provided before they shall receive the bonds the Choctaw Nation shall pass an act approving of their authority. But, Mr. Chairman, anything these two men or either of them has done in these past years, mortgaging this claim to men around this Capitol who have been pushing it, cannot in any way be controverted by the Choctaw Nation by subsequent action. I want all that shut off.

#### HOW DOES THE QUESTION STAND?

The gentleman from Iowa [Mr. KASSON] proposes a very simple amendment, and that is that this fund shall be placed where it shall be held in trust for the very purposes named in the treaty of 1855. Why is there any sensitiveness about adopting that amendment? Why was it not accepted at once? Why is it the lobby which is gazing with hungry eyes here from these galleries would not accept that at once? Because it takes away from them their last hope of fattening on this claim. My friend will see the day that he will regret fighting these men's battles.

But in addition to that there will be offered another proposition by my friend from New York [Mr. WHEELER] which just suits me, and that is this: These claims are of two kinds. A portion should go to enable the Choctaw Nation to pay its just liabilities, not liabilities to A and B, who have been hanging around Congress for years, but liabilities to its own people. No mortal power has ever yet been able to show how much will be taken of this money to pay such liabilities. The proposition will direct the Secretary of the Treasury

between this and the next session of Congress to ascertain how much will be swallowed up by these claims. He will be able then to report a schedule to the next Congress. Then Congress can see how much of this fund is to go in that way, and the balance can be placed as a trust fund, which the Choctaw people will hold for educational and governmental purposes. What is fairer than that? Let us adopt it. Better that the lobby weep than that the Indians suffer—

[Here the hammer fell.]

The CHAIRMAN. The question recurs on the amendment moved by the gentleman from Iowa, [Mr. KASSON,] which the Clerk will read.

The Clerk read as follows:

Strike out these words in lines 11 and 12:

Peter P. Pitchlynn and Peter Folsom, the authorized delegates and agents of the Choctaw Nation, or to either of them who may demand the same on behalf of the said nation.

And in lieu thereof insert:

Secretary of the Interior for the benefit of the Choctaw Nation and the people thereof, according to the terms of the treaty providing for the same.

The committee divided; and there were—ayes 64, noes 72.

Mr. KASSON demanded tellers.

Tellers were ordered; and Mr. KASSON, and Mr. PARKER of Missouri, were appointed.

The committee again divided; and the tellers reported—ayes 100, noes 81.

So the amendment was adopted.

Mr. WHEELER. I offer the following as a substitute for the section.

The Clerk read as follows:

That the Secretary of the Treasury is hereby directed to inquire into the amount of liabilities due from the Choctaw tribe of Indians to individuals as referred to in articles 12 and 13 of the treaty of June 22, 1855, between the United States and the Choctaw and Chickasaw tribes of Indians and to report the same to the next session of Congress with a view of ascertaining what amounts, if any, should be deducted from the sum due from the United States to said Choctaw tribe for the purpose of enabling the said tribe to pay its liabilities and thereby to enable Congress to provide a fund to be held for educational and other purposes for said tribe as provided for in article 13 of the treaty aforesaid.

Mr. KASSON. I desire to offer an amendment to the original text, to perfect what my previous amendment calls for.

The Clerk read as follows:

In line 58 strike out these words: "to the said delegates;" in line 61 strike out the words "by the said delegates or either of them, on behalf of the said nation is," and insert the word "are;" so that it will read:

That before the delivery of the said bonds as herein directed, the national council of the Choctaw Nation shall pass an act approving the provisions of this act, and shall declare that the said bonds are accepted, &c.

Mr. KASSON. That is merely following up the amendment already made.

The question being taken on Mr. KASSON's amendment, it was agreed to.

The CHAIRMAN. The question recurs on the amendment in the nature of a substitute proposed by the gentleman from New York, [Mr. WHEELER.]

Mr. STARKWEATHER. I hope if that amendment be adopted that it will be followed up by another declaring that we never mean to pay this debt.

Mr. SPEER. O, that is mere clap-trap.

Mr. RANDALL. We only mean to pay the people we owe.

Mr. STARKWEATHER. That means that we do not intend to pay anything.

Mr. SPEER. We do not mean to pay the rings of lobbyists.

The CHAIRMAN. The Chair will order tellers and appoint the gentleman from New York, Mr. WHEELER, and the gentleman from Connecticut, Mr. STARKWEATHER.

The House divided; and the tellers reported—ayes 97, noes 70.

So the amendment was agreed to.

Mr. PARKER, of Missouri. I give notice that I shall call for the yeas and nays on all these amendments.

Mr. HALE, of Maine. If the gentleman had not given that notice I should.

The Clerk read the following section:

SEC. 4. That the clause in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, which provides that "the Secretary of the Treasury be, and he is hereby, directed to pay to the census-takers of 1860, or their assigns, the sums set to their credit now in the Treasury of the United States, any provision of existing laws to the contrary notwithstanding," is hereby re-enacted and declared to include, as entitled to payment and to be paid, both marshals and assistant marshals employed in taking said census.

Mr. SPEER. I move to strike out the last word for the purpose of saying, as I see the gentleman from Virginia [Mr. PLATT] is now in his seat, that I am informed that the building of the State Department was done with granite from the Westham quarry and that the Government pays two dollars per cubic foot at the quarry for it. It is then transported seven miles by rail to the Government sheds, at Manchester, where it is cut for the United States, the Government furnishing the sheds; also an architect at twelve dollars a day; one superintendent at ten dollars per day; one property man; one boss to every twelve stone-cutters; one blacksmith to every twelve stone-cutters; four hundred kits of tools; laborers, &c. All this is paid for by the United States.

In addition the United States pay to the granite company 15 per



cent. on all the money disbursed. This sum is paid in addition to the amount the company receive for their stone. By this operation the granite company are not out of pocket one cent. They do not pay the labor out of their own pockets, which if they did would be a partial excuse for the gift to them of 15 per cent. on the amount disbursed. At the end of each month the company call all their hands up to sign the roll; when the roll is signed and witnessed by a Government officer, it is sent on to Mr. Mullett, the Supervising Architect of the Treasury, and receipted as if the money had been paid out by the contractors, when really not a dollar of it has been paid by them. Mullett then pays the money and keeps the receipted roll as his voucher, and these contractors get 15 per cent. for disbursing the amount which Mullett pays them. There is disbursed every month an average of \$55,000.

I understand that in addition to the gentlemen named by the gentleman from Virginia [Mr. PLATT] as members of this company, there is a gentleman by the name of Smith, president of a New York railroad company, and Mr. Washburn, a United States pension-agent at Richmond, who are also members of the company, and it is understood that there are two silent partners whose names I am not able to give at this time—friends of certain parties in prominent positions.

Now, if this appropriation passes of \$700,000 for the State Department, 15 per cent. of that amount, being \$105,000, will be paid out to this company for simply disbursing it, paying it to the hands. I desire also to say that the Government were offered stone, almost as good stone—that out of which the Scott statue has been made in this city—for sixty-five cents per foot, while they are paying two dollars per foot for the stone being put into this building. We pay two dollars a foot for the stone in the rough, the Government paying for the work afterward.

Mr. O'BRIEN. From whom does this 15 per cent. come?

Mr. SPEER. From the Government, and it goes into the hands of the contractors forming this granite company. They run no risk, they are at no expense, and this enormous sum is paid to them by the Government without any consideration whatever. Is it not time that we pause before we lavish upon these men further appropriations?

Mr. SMITH, of Virginia. I wish to ask the gentleman from Pennsylvania a question. I wish him to state whether these gentlemen, Messrs. Washburn & Co., did not make the most reasonable bid for this granite contract when given out?

Mr. SPEER. I can only repeat that stone almost as good—I believe in the gentleman's own State—was offered for sixty-five cents per foot and these contractors get two dollars a foot.

Mr. SMITH, of Virginia. We have had these straw bids before. Is the gentleman ready to vouch for the responsibility of the bidders?

Mr. SPEER. I am able to vouch for the responsibility of the owners of the quarry.

Mr. PLATT, of Virginia. I renew the amendment. I wish to ask the gentleman from Pennsylvania [Mr. SPEER] if he states the fact that the contract price for this granite is two dollars per cubic foot upon his own knowledge?

Mr. SPEER. I certainly do not state it on my own knowledge. As I have already said, I state it upon information which I believe to be correct. I have no knowledge about it. I understand, however, that the gentleman in company with Mr. Mullett visited this quarry not long ago, and perhaps he can give the House the facts on his own knowledge.

Mr. PLATT, of Virginia. The statement of the gentleman in regard to the contract price for this granite is a very good illustration of the amount of confidence to be placed in all the statements he has given the House, and which I have no doubt he derived from some other source, and I have no doubt I know perfectly well what that source is.

Now, my recollection is that the contract price for this granite was either fifty-three or fifty-nine cents per cubic foot. That is the contract price at which these gentlemen are furnishing the granite under their contract, and I have no doubt that they were the lowest bidders. The schedules, bids, and papers in the Department will show that they were the lowest bidders at the time the contract was assigned.

Now, in regard to the statement made by my colleague from the Richmond district, [Mr. SMITH,] that Mr. Washburn, and nobody else, has swindled the Government of the United States out of fifty or sixty thousand dollars, or out of any other sum, I desire to say that the statement is entirely unfounded, and that the main course for my colleague to pursue, if he has charges of that kind to make, would be to make them in a proper way and have them investigated in a proper manner by a committee. He says that he blushes to own that Mr. Washburn, the gentleman who has thus swindled the Government, as he alleges, is the pension agent in his city. I know, sir, that Mr. Washburn is equally ready to blush and does blush at the reflection that the gentleman who made this charge is his Representative on this floor. If my colleague has any charges to make against Mr. Washburn, let him make them here in a plain and open manner. I say upon my personal responsibility that there is not a word of truth in the statement, and I say further that Mr. Washburn is ready to defend himself and to show that fact whenever he may be called upon to do so in any proper and legitimate manner. My colleague owes it to himself, to Mr. Washburn, to this House, to put his charges

in proper form, and to take that officer of the Government before the court which the law provides, where he will be properly punished if he has done anything of this kind.

Mr. SMITH, of Virginia. I have put these charges in a proper form, and I have placed them in the hands of the President of the United States. And in addition to these, I have put in a charge which the President himself said was sufficient to cause the removal of this man Washburn. I do not want to cast reflection upon the gentleman who represents Petersburg, Norfolk, and the south side of Virginia. I have nothing to say with him or against him; his people will settle with him. I represent the Richmond district. If that granite contract is an honest one, I will stand here and defend the contractors. If there has been any stealing under the contract, then I ask why the gentleman from Norfolk, [Mr. PLATT,] nearly one hundred miles away, comes here and tells this House there is no stealing? I say that Andrew Washburn drew that 15 per cent., that the Government paid it for nothing, that he never put one dollar into that concern, never bore one dollar of expenses, and yet is to-day \$60,000 better off than when he commenced, unless he has divided with somebody else. That is what I say.

Mr. BECK. I desire to say a word.

Mr. GARFIELD. I ask the gentleman from Kentucky to allow me to move that the committee rise in order to obtain an order from the House to close debate.

Mr. PLATT, of Virginia. I wish to know if I am to be attacked on this floor and deprived of an opportunity to defend myself? I appeal to the fairness of this committee.

Mr. SMITH, of Virginia. I want to say this: If I have attacked the gentleman I am responsible anywhere for it.

Mr. BECK. When the question of the building of the new State, War, and Navy Department was up the other day I called the attention of the committee to the fact which I believed then, and believe now, to be true, from information received from some of the officials at the Treasury Department, that gross mismanagement had accrued in the construction of this and other buildings, by reason of the ex-Secretary depriving the Comptrollers and Auditors of their legitimate power to investigate the accounts of the Supervising Architect, and that he had done so against their protest; I insisted that no payments ought to be made to any of the contractors until these matters were investigated. The statement of the gentleman from Virginia [Mr. SMITH] to-day seems to verify what I said in that regard, and to prove that these accounts ought to be investigated before payments are made. When I made that statement on Saturday the gentleman from Virginia [Mr. PLATT] rose in his place and controverted it. I read from the report of the debate on that occasion:

Mr. BECK. Is it not true that for the year past under the order of the Secretary of the Treasury the Comptrollers and Auditors have been deprived of all supervision over the Accounts of this Supervising Architect?

Mr. RANDALL. Against law!

Mr. BECK. Yes; against law.

Mr. PLATT, of Virginia. I cannot answer that question. But I say in regard to the expenditures made for the State, War, and Navy Department building, the Secretary of the Treasury had had nothing to do with it. Not one dollar of the expenditure has been made under his supervision or order. Every dollar of it has been expended under the direction of the Secretary of State. The Secretary of State has the entire control of it; has control over every dollar of the expenditure from the commencement of the building. That I state upon my own knowledge.

The gentleman from Pennsylvania [Mr. SPEER] moved to amend the then pending amendment, and I followed it with a remark. I read the amendment to the amendment and the remark which I made:

And the Secretary of the Treasury shall report to Congress the items for which this sum shall be expended.

Mr. BECK. I do not believe it to be the fact, as has been stated, that this money is expended under the direction of the Secretary of State; but if so, how can the Secretary of the Treasury account for the expenditure?

I now call attention to volume 17, Statutes at Large, page 352, where I find the following provision of law in the appropriation bill, approved June 10, 1872.

Public works under the Treasury Department:  
\* \* \* For continuation of the construction of the building for the Department of State, Washington, District of Columbia, \$800,000; for the east wing of the State, War, and Navy Departments, \$400,000: *Provided*, That all appropriations for public buildings under the Treasury Department shall hereafter be available immediately upon the approval of the acts containing such appropriations.

I have risen now for the purpose of saying that in my judgment the law of June 10, 1872, put this State Department building, as all other buildings are, under the direction of the Treasury Department and under the direction of the Supervising Architect of the Treasury. I say further that all the accounts for moneys expended for this building, as well as for every other building, which have been withdrawn from the supervision of the Comptrollers and Auditors of the Treasury Department, have been paid in violation of law, and that the accounts of the Supervising Architect have been paid without undergoing the supervision which the law requires they shall undergo. The gentleman from Virginia [Mr. PLATT] was mistaken in his statement that of his personal knowledge it was under the direction of the Secretary of State.

Mr. MERRIAM. I desire to say to the gentleman from Kentucky that the present Secretary has ordered that no money shall be paid until audited by the proper accounting officers.

Mr. BECK. I said the other day that that was one of the first official acts of the present Secretary. I want the past vouchers investi-



gated, so as to see where among things the \$60,000 has gone which the gentleman from Virginia [Mr. SMITH] says was wrongfully paid.

Mr. KELLOGG. The gentleman from Kentucky [Mr. BECK] has read from one appropriation bill the second appropriation for this building. I ask him if the first appropriation for the building did not put it under the entire supervision of the Secretary of State? I ask him to look at the first appropriation.

Mr. BECK. I have not turned to that, but I understand from outside information that in volume 16 of the Statutes at Large there is an appropriation to that effect. But since June 10, 1872, during all the year in which this illegal act of the Secretary was operating, (for it was only about a year ago that the power of the Auditors and Comptrollers over these payments was taken away)—since that time \$800,000 has been appropriated for the State Department building and \$400,000 for the east wing, making \$1,200,000, and this expenditure has not been under the control or subject to the supervision of the Auditors and Comptrollers of the Treasury. Is not that true?

Mr. KELLOGG. No, sir. I have no doubt my friend from Kentucky means to state the case fairly; but if he will look at the first appropriation act for the State Department building he will find that the whole matter was put under the control of the Secretary of State; and it has been so continued. I think that the gentleman in his statements has done injustice both to the late Secretary of the Treasury and the Supervising Architect. He certainly did injustice to them in his statements the other day, and if I had time I would show wherein he did so. The new State Department building has been and is under the supervision of the Secretary of State, and the Supervising Architect has simply done his duty under his direction.

Mr. BECK. Why, sir, here is the act of June 10, 1872, which appropriates \$800,000 for the State Department building and \$400,000 for the east wing, and puts it all under the control of the Secretary of the Treasury and the Supervising Architect. No matter what previous laws may have provided, this act repeals or supersedes all prior provisions, and the expenditures made since this appropriation of June 10, 1872, until the rescinding of the action to which I have referred by the present Secretary, have been made without the requirement of any vouchers to be submitted to the Auditors and Comptrollers, the action of the late Secretary of the Treasury being in this respect a palpable violation of the law, which in my judgment was an impeachable offense.

[Here the hammer fell.]

Mr. PLATT, of Virginia. I stated in reply to the gentleman from Kentucky on last Saturday, when this subject was under debate, that I could not answer the gentleman in regard to orders given by the Secretary of the Treasury; that I knew nothing about them. But I did state from my own knowledge, and I repeat the statement as true, that all the disbursements and expenditures made in the construction of the new buildings for the State, War, and Navy Departments have been and are being made under the direct control and supervision of the Secretary of State; that the Secretary of the Treasury has nothing to do with them whatever. This the gentleman can ascertain for himself to be the fact upon inquiry at either of those Departments.

As to the charges that have been made here in regard to the manner in which this work is being done upon that building, I do not understand that any charges have been made against myself; but statements have been made that 15 per cent. of the money of the Government is being paid to a favored contractor upon all expenditures, and that for this 15 per cent. he renders no service whatever. I have a general knowledge of those contracts, which enables me to state (and I believe this case is no exception to all the contracts that have been made for furnishing granite for public buildings within the last two or three years) that, in the first place, advertisement was made for stone to be furnished at so much per foot; and afterward a contract was given for cutting the stone, the contract for furnishing the stone and for cutting it being given in almost every instance to the same parties. In consequence of this contract for cutting the stone the men engaged in that work, instead of being under the direct control of the Government, are employed by a contractor. There is a Government inspector. There is no architect paid twelve dollars a day, or anybody else paid ten dollars a day. So far as I know the highest price paid to anybody is six dollars a day, which is allowed to General Randall, the superintendent.

Mr. SPEER. Does the gentleman state upon his personal knowledge that there is not an architect paid by the Government at twelve dollars a day; a superintendent at ten dollars a day; one property man; one boss to every twelve stone-cutters, and one blacksmith to every twelve stone-cutters; all paid by the Government?

Mr. PLATT, of Virginia. I say that so far as I know there is no one receiving more than six dollars a day, which is being paid to General Randall, a gentleman selected for his skill and knowledge in connection with these matters to act in the capacity of superintendent to watch over the interests of the Government. I say that no dollar of expense on the part of the Government is allowed to be contracted by any contractor. There is simply a provision for a superintendent and a time-keeper to watch over the interests of the Government. The contract in this case is precisely like the contracts that have been made in the building of the post-office at New York, the post-office at Boston, and other public buildings.

But, sir, I see that the Committee of the Whole is impatient; I

hear gentlemen around me calling for the debate to close. I wish only to enter a general denial of the statements of the gentleman from Pennsylvania, [Mr. SPEER.] I say that he is entirely mistaken as to the price given for granite. I am not here to shield any man who has been guilty of any wrong against the Government. I will go as far as any man on this floor in investigating and punishing the acts of any one who has been guilty of fraud in connection with this matter as any other.

[Mr. SMITH of Virginia, addressed the House. His remarks will appear in the Appendix.]

The CHAIRMAN. All debate is closed upon the pending paragraph.

Mr. KELLOGG. I wish to have a section of the statute read in reference to this matter.

Mr. RICE. I want to move that the committee rise.

Mr. GARFIELD. I hope the gentleman from Connecticut will be allowed to have the three minutes left of the eight which were allowed for debate.

Mr. KELLOGG. I have no feeling in this matter except to see fair play, and where wrong statements are made to see that they are corrected. I have nothing to do with the matter in Virginia, but I think my friend from Kentucky [Mr. BECK] is entirely mistaken when he charges that the Secretary of the Treasury and the Supervising Architect acted in an improper manner in this matter. The Secretary of the Treasury has had nothing to do with the building. It has been by statute placed under the control of the Secretary of State, and the Supervising Architect has been detailed to act under the orders of the Secretary of State. I ask the Clerk to read section 2, making the first appropriation, and gentlemen of the committee will find by the law the statement I make is the true one.

The Clerk read as follows:

SEC. 2. That the sum of \$500,000 be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, for the construction, under the direction of the Secretary of State, on the southerly portion of the premises now occupied by the War and Navy Departments, a building which will form the south wing of a building that when completed will be similar in the ground plan and dimensions to the Treasury building, and provide accommodations for the State, War, and Navy Departments; the building to be of such kind of stone as may be hereafter determined by the concurrent decision of the Committees on Public Buildings and Grounds of the Senate and House of Representatives, three stories in height, with basement and attic, and of fire-proof construction, the plans to be approved by the Secretary of State, the Secretary of War, and the Secretary of the Navy, before any money is expended under the provisions of this act.

Mr. KELLOGG. That shows that the Secretary of the Treasury has had nothing to do with it at all, and that the building has been under the charge of the Secretary of State and the Supervising Architect.

The CHAIRMAN. No further debate on the amendment is in order. The amendment was rejected.

Mr. MACDOUGALL. I move the following amendment.

The Clerk read as follows:

For the purpose of erecting and completing a United States court-house at the city of Auburn, New York, \$100,000.

Mr. COX. I propose to add to the fifth section before we go to any other.

Mr. GARFIELD. I make the point of order on the amendment moved by the gentleman from New York that it is an appropriation not provided for by law.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

Mr. RICE. If in order, I move that the committee rise, and I should like to say one word before that vote is taken.

The CHAIRMAN. The Chair has recognized the gentleman from New York.

Mr. COX. I move the following amendment.

The Clerk read as follows:

That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations.

Mr. COX. I believe an amendment of that kind should be put at the end of every appropriation bill.

Mr. GARFIELD. I make the point of order on that amendment.

Mr. COX. It is not new legislation. It makes no new penalty. It was ruled to be in order to other appropriation bills.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUTLER, of Massachusetts. I desire to offer an amendment to come in as an additional section.

Mr. GARFIELD. Wait until the last section has been read.

Mr. BUTLER, of Massachusetts. I desire to offer it as an amendment to come in after section 4.

The Clerk read the amendment of Mr. BUTLER, of Massachusetts, as follows:

After section 4 insert the following as an additional section:

SEC. —. That the sum of \$250,000, or so much thereof as may be necessary, is hereby appropriated to pay unsettled claims legally existing against the Government of the United States on account of services actually rendered in carrying the mails of the United States exclusively in the aforesaid States prior to the 14th day of April, 1861: *Provided*, That before any payment shall be made satisfactory evidence shall be furnished that no compensation has been received from any other source for such service.

Mr. GARFIELD. I make the point of order that that is not only unauthorized by existing law, but is against a specific statute, the

statute of 1867, which provides that this class of claims should not come in.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUTLER, of Massachusetts. I give notice that when we get back into the House I will move to suspend the rules and adopt this section.

The Clerk read the fifth section, as follows:

SEC. 5. That hereafter there shall be submitted to Congress at the beginning of each regular session a statement in detail of the contingent expenses of each Department or Bureau of the Government incurred during and for the service of the preceding fiscal year.

Mr. BUTLER, of Massachusetts. I make the point of order on that section that it changes existing law.

Mr. GARFIELD. If the gentleman does not want a report to be made by each Department of its contingent expenses, he will take the responsibility of preventing it.

Mr. BUTLER, of Massachusetts. I always take the responsibility of everything I do.

The CHAIRMAN. Will the gentleman from Massachusetts call the attention of the Chair to the law with which this section is in conflict?

Mr. BUTLER, of Massachusetts. There is no such law; but I say that you cannot point to any law requiring it.

Mr. GARFIELD. There is a law requiring the Departments to keep an account of their contingent expenses.

Mr. BUTLER, of Massachusetts. That is so. There is a law requiring them to keep an account. That is right. But there is no law requiring them to report that to Congress. And the very fact that my friend, the chairman of the Committee on Appropriations, tells me that I should take the responsibility of stopping this change of the law, shows that it is a change of the law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARFIELD. I offer the following amendment as an additional section.

The Clerk read as follows:

SEC. —. That section 6 of an act entitled "An act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes," approved June 11, 1874, be amended by striking out the following words, namely: "Contingent expenses of foreign intercourse proper and of all missions abroad, such as."

Mr. GARFIELD. In the consular and diplomatic bill passed and approved on the 11th of this month the appropriation for consular expenses unfortunately had the words "foreign intercourse" in the language which preceded the appropriation. The Secretary of State informs the committee that that will not allow the use of that appropriation for consular business, but would apply only to foreign missions. The correction was made when the bill was before the Committee on Appropriations, but it was omitted to be put in the printed form of the bill.

The amendment was agreed to.

Mr. GARFIELD. In the early part of this bill we have appropriated for thirteen soldiers on the roll of the Door-keeper. It is found that there are fourteen. There has been one left out. I ask unanimous consent to go back to that part of the bill and make the number fourteen, and also to add an equivalent sum to the appropriation increasing the amount appropriated by one-thirteenth.

There was no objection, and the amendment was agreed to.

Mr. GARFIELD. I desire to offer one other amendment. There is a colored lady who has charge of the ladies' retiring-room, and the officers of the House consider it desirable that she should have a permanent place. A person having a similar charge in the Senate has been put in another bill as a permanent employé. I offer the following amendment:

On page 10, after line 211, insert these words:

To pay Harriet P. Fisk, employed under the Door-keeper of the House for attending the ladies' retiring-room of the House, \$600 per annum.

The amendment was agreed to.

Mr. GARFIELD. I desire to call the attention of the House to one other thing, and only to one other thing, before moving that the committee rise and report the bill. The committee have put on this bill an appropriation for printing the Agricultural Reports. This will render necessary an increase of the force in the folding department. In our legislative bill we have cut down the folders to twenty. The Door-keeper informs me that it will be utterly impossible to attempt the folding of this document if that reduction is made. I ask unanimous consent—

Mr. WILLARD, of Vermont, and Mr. RANDALL objected.

Mr. GARFIELD. If gentlemen object I move that the committee rise and report the bill.

Mr. FORT. I desire the unanimous consent of the committee to make a merely formal correction in the amendment in reference to the Agricultural Reports. The amendment by mistake makes provision in reference to the reports for 1873 and 1874. It should be 1872 and 1873. The record is right, but the manuscript in the hands of the Clerk is wrong. I hope there will be no objection to making that correction.

There was no objection, and the correction was made.

Mr. PLATT, of Virginia. I am instructed by the Committee on Public Buildings and Grounds to offer the following amendment:

For repairing the building occupied by the Post-Office Department, \$100,000.

I wish to state in explanation of this amendment—

Mr. GARFIELD. I ask that the amendment may be again read.

The amendment was again read.

Mr. PLATT, of Virginia. There is absolute necessity for something being done to preserve this building.

Mr. RANDALL. I make the point of order that this appropriation is not in accordance with law.

The CHAIRMAN. The Chair overrules the point of order. The Chair is of the opinion that a contingency for carrying on one of the Departments of the Government is in order.

Mr. PLATT, of Virginia. Now, if I may have reasonable assurance that I shall be permitted to proceed one minute without interruption, I desire to explain this amendment.

The CHAIRMAN. The gentleman is entitled to the floor for five minutes.

Mr. PLATT, of Virginia. The Postmaster-General and the gentleman having this building in charge—having control and management of the building as well as being disbursing officers of the Department—have both been before the Committee on Public Buildings and Grounds at various times this winter, urging that a bill should be passed by the present Congress authorizing the enlargement and reconstruction of the post-office building. The business of the Department has so increased as to be beyond the present capacity of the building, and there is great necessity for additional room. The recent improvements made about this property by which the streets around the Department have been very much lowered have caused cracks in the building, and it is being very much damaged. There is no appropriation and no law under which anything can be done to preserve the building. It is the opinion of these gentlemen that with this expenditure they can make the necessary repairs and secure some twenty-five or thirty additional rooms in the basement which will be available for offices. We were asked to do one of two things, either to urge the House to authorize the reconstruction of the building by raising it and putting one story under it and one on top, which would involve an expenditure of \$1,500,000, or as a temporary expedient to authorize these absolutely necessary repairs to be made. From the personal examination made by the committee and from the evidence of these gentlemen, I am prepared to say that this appropriation is absolutely necessary for the preservation of the building and should be made.

Mr. RANDALL. I submit that the building will last another year as it is.

The question was taken on the amendment offered by Mr. PLATT, of Virginia; and it was not agreed to, there being on a division ayes 31, noes not counted.

Mr. GARFIELD. I move that the committee now rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. WHEELER having taken the chair as Speaker *pro tempore*, Mr. DAWES reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3500) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. GARFIELD. I now move the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. GARFIELD moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I desire to say a few words to the House in regard to the amount of the appropriations in this bill. I will make the statement very brief. The appropriations last year in the sundry civil bill amounted to \$32,183,129.09. This year the bill as reported to the House amounted to \$23,704,102.82, being less by \$8,482,026.27 than the corresponding bill of last year. There have been considerable sums added in Committee of the Whole, but still larger sums have been stricken out of the bill, so that as it stands now it is nearly, perhaps quite, \$9,000,000 less than the corresponding bill of last year. There is this difference, however; there are no appropriations made here for the board of public works of the District of Columbia, and such appropriations were in the corresponding bill of last year. I submit as a part of my remarks the following detailed statement of the items that make up this bill and the corresponding items in the bill of last year, that the House may see where the reductions are made. If the House sustains the action of the Committee of the Whole in regard to the Choctaw claim, this bill will be absolutely free from all claims and will be as clean a bill as ever passed the House.

	Law 1874.	Recommended for 1875.
For public printing, paper, binding, &c.....	\$2,050,000 00	\$1,675,507 00
For life-saving stations on the coast.....	250,000 00	153,164 00
For revenue-cutter service.....	1,038,218 40	1,152,883 40
For marine-hospital service.....	100,000 00	100,000 00
For national currency.....	825,000 00	235,000 00
For judiciary.....	3,179,000 00	3,109,221 00
For miscellaneous.....	1,239,842 90	502,522 45



## List of Appropriations, &amp;c.—Continued.

	Law 1874.	Recommended for 1875.
For rent of offices of surveyors-general.....	\$44,400 00	\$45,900 00
For surveying public lands.....	1,053,150 00	927,980 00
For expenses of collecting revenue from public lands.....	594,740 00	567,040 00
For Metropolitan police.....	207,530 00	207,530 00
For Government Hospital for the Insane.....	171,712 22	203,741 00
For Institution for the Deaf and Dumb.....	48,000 00	48,000 00
For Columbia Hospital for Women.....	24,500 00	24,000 00
For other charities.....	60,000 00	57,000 00
For Smithsonian.....	42,000 00	30,000 00
For Capitol extension, Reform School, Botanic Garden, &c.....	341,260 00	233,750 00
For light-houses and light-house establishment.....	3,198,269 50	2,828,332 50
For survey of the coast.....	766,000 00	706,000 00
For Signal Office.....	296,825 00	355,325 00
For War Department, miscellaneous.....	750,311 80	665,000 00
For public buildings under Treasury Department.....	10,934,403 96	7,670,523 81
For armories and arsenals.....	777,595 00	537,457 00
For buildings and grounds in Washington.....	2,484,133 01	231,255 00
For navy-yards.....	1,511,693 00	1,400,000 00
For Department of Agriculture.....	16,200 00	16,600 00
For Washington Aqueduct.....	44,600 00	29,900 00
Total.....	32,186,129 09	23,704,102 81

Mr. BECK. Will the gentleman allow me to ask him a question?  
Mr. GARFIELD. Certainly.

Mr. BECK. It is whether in footing up the \$23,704,000 he embraces the amount on page 39 of the bill for the northern and north-western lakes, the provision which makes available all the unexpended balances of appropriations for the survey of military defenses, and if he does, how much is embraced in that item?

Mr. GARFIELD. There was but a very small amount left over.

Mr. BECK. Whatever the amount was it has to be added to these figures?

Mr. GARFIELD. That is true. I will remark that generally where unexpended balances are made available I do not count them, because I do not know the amount and because they were counted into former appropriations.

Mr. BECK. On page 50 of the bill the chairman of the Committee on Appropriations will observe that all balances remaining in the Treasury unexpended on the 1st day of July, 1874, of appropriations heretofore made for buildings and sites of buildings, &c., are made available for that purpose.

Mr. GARFIELD. The balances of appropriations for public buildings which the gentleman refers to amount in the aggregate to less than \$2,000,000.

Mr. BECK. I find by statement "D" in the last Book of Estimates that they amount to \$5,600,000.

Mr. GARFIELD. That book was made up in October, 1873. The latest statement on the subject is one that the gentleman will find on the second page of the report accompanying this bill, which is a statement up to June 1, 1874, from the Secretary of the Treasury, showing the amount of unexpended balances left over for all public works, and the gentleman will find by examining that list that less than \$2,000,000 are reappropriated in this bill.

Mr. BECK. I find on page 247 of the last Book of Estimates, which is appendix "D," that the amount was \$5,600,000 on the 1st of July, 1873.

Mr. GARFIELD. That is nearly a year ago, the gentleman will remember.

Mr. BECK. These sums have all to be added to your figures in your footing up?

Mr. GARFIELD. Yes; whatever they are. I shall detain the House but a few moments longer, and will then ask for a vote on the bill.

Mr. STARKWEATHER. I desire an opportunity to submit some remarks.

The SPEAKER *pro tempore*. This debate, it must be understood, proceeds by unanimous consent.

## LEAVE TO PRINT.

Mr. STARKWEATHER. I ask unanimous consent to print a few remarks on this subject. (See Appendix.)  
There was no objection, and leave was granted.

Mr. GARFIELD. I have a right to the hour, but I will not trespass upon the time of the House. I submit a statement showing the various expenditures in this bill, grouped into classes for the convenience of those who care to examine it. It embraces so many subjects that it may be of service to the country to see at a glance the classes of objects to which the money herein appropriated is applied. They are as follows:

## SUNDRY CIVIL BILL.

1. Public printing.....	\$1,675,507 66
2. Administration of public justice, including judicial expenses of courts, defending suits of the United States, paying judgments of the courts, detecting and punishing crimes against the revenue and currency, and including also the portion that the United States pay to support the Metropolitan police of Washington.....	3,522,118 34
3. Public lands—expense of surveyors' offices, cost of surveys, and expense of collecting revenues from public lands.....	1,580,921 00
4. Public works, including arsenals, navy-yards, the various public buildings under the Supervising Architect of the Treasury Department, and the public buildings and grounds of the United States in Washington.....	10,023,335 81

5. Commerce and its adjuncts, including life-saving stations, the revenue marine, the marine hospitals, light-houses, coast survey, lake survey, and the weather report.....	\$5,470,704 93
6. National explorations and national statistics, including the geological and geographical surveys, mining statistics, statistics of fisheries, and statistical atlas.....	191,500 00
7. Educational, charitable, and reformatory institutions, including the Smithsonian Institution, Asylum for the Insane, Deaf Mute College, Lying-in Hospital, Freedman's Hospital, the several charities for the poor, and the Reform Farm.....	433,491 00
8. Payments growing directly out of the war—bounty and prize-money for colored soldiers, \$50,000; expenses of the States for drilling and equipping volunteers, \$250,000; for horses lost in the rebellion, \$50,000.....	350,000 00
9. Miscellaneous.....	446,524 12
Total.....	23,704,102 81

From the last or ninth group we have stricken out more than a quarter of a million.

Mr. BUTLER, of Massachusetts. I rise to make a parliamentary inquiry. Is not the chairman of the Committee on Appropriations entitled to one hour to close the debate?

The SPEAKER *pro tempore*. He does not claim it.

Mr. GARFIELD. I yield the floor to save the time of the House.

The SPEAKER *pro tempore*. Are separate votes called for upon any of the amendments?

Mr. STORM. I ask for a separate vote on the amendment in relation to the pay of printers at the Government Printing Office.

Mr. STARKWEATHER. I ask a separate vote on all amendments increasing appropriations.

The SPEAKER *pro tempore*. It will be better to dispose of the amendments upon which separate votes are asked as they come up in their order.

Mr. BUTLER, of Massachusetts. I desire to ask a separate vote on one amendment.

The first amendment reported from the Committee of the Whole, upon which a separate vote was asked, (by Mr. STORM,) was to strike from the bill the following:

And wages paid to printers and binders in the employ of the Government shall not be above the average price paid for similar work in the cities of New York, Philadelphia, and Baltimore.

Mr. G. F. HOAR. Suppose the amendment of the Committee of the Whole should not prevail, does that leave the original text of the bill to stand without regard to any amendments made to it before it was struck out by the Committee of the Whole?

The SPEAKER *pro tempore*. It does.

The question was taken upon agreeing to the amendment reported from the Committee of the Whole; and upon a division there were—ayes 46, noes 84.

Before the result of this vote was announced,

Mr. ALBRIGHT called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 15 in the affirmative—not one-fifth of the last vote.

Before the result of this vote was announced,

Mr. HAWLEY, of Connecticut, called for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. HAWLEY of Connecticut, and Mr. GARFIELD were appointed.

The House again divided; and the tellers reported that there were ayes 42, noes not counted.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was then taken; and there were—yeas 129, nays 91, not voting 69; as follows:

YEAS—Messrs. Albert, Albright, Averill, Banning, Barry, Bass, Begole, Biery, Bowen, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Cason, Cassin, Amos Clark, Jr., John B. Clark, Jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cox, Creamer, Crooks, Dobbins, Duell, Dunnell, Eames, Field, Glover, Gooch, Gunckel, Hagans, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hynes, Kelley, Kellogg, Kendall, Lamar, Lamport, Lansing, Lawrence, Lawson, Leach, Lofland, Lowe, Lowndes, Magee, James W. McDill, MacDougall, McJunkin, McKee, Monroe, Moore, Negley, Niles, O'Neill, Orr, Orth, Packer, Page, Isaac C. Parker, Pelham, Pendleton, Perry, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Pratt, Rapier, Rice, Richmond, James W. Robinson, ac W. Scudder, Sessions, Sheets, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, A. Herr Smith, J. Ambler Smith, Sprague, Stanard, Standford, Starkweather, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Walls, Marcus L. Ward, Wheeler, Whitehead, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Wilshire, James Wilson, Woodford, and Woodworth.—129.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Barrere, Bell, Berry, Bland, Blount, Bradley, Bright, Bromberg, Brown, Buffinton, Burchard, Burleigh, Burrows, Caldwell, Cannon, Clements, Cook, Cotton, Crittenden, Crossland, Crouse, Crutchfield, Danford, Darrall, Davis, Donnan, Durham, Eden, Fort, Foster, Garfield, Giddings, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Hurlbut, Hyde, Kasson, Knapp, Lewis, Loughridge, Alexander S. McDill, Merriam, Milliken, Mills, Morey, Morrison, Neal, Niblack, O'Brien, Packard, Hosea W. Parker, Parsons, Phelps, Potter, Rainey, Randall, Ray, Read, Robbins, James C. Robinson, Ross, Sawyer, Henry B. Saylor, Henry J. Scudder, Smart, H. Boardman Smith, John Q. Smith, Southard, Speer, Stone, Storm, Townsend, Waldron, Jasper D. Ward, Wells, White, Whitthorne, William Williams, Willie, Wolfe, and John D. Young.—91.

NOT VOTING—Messrs. Ashe, Barber, Barnum, Beck, Cain, Clayton, Clinton L. Cobb, Crocker, Curtis, Dawes, DeWitt, Eldredge, Elliott, Farwell, Freeman, Frye, Robert S. Hale, Hamilton, Harmer, Harrison, Gerry W. Hazelton, Hersey, Holman, Hubbell, Hunter, Jewett, Killinger, Lamison, Luttrell, Lynch, Marshall, Martin, Maynard, McCrary, McLean, McNulta, Mitchell, Myers, Nesmith, Nunn, Phillips, Poland, Purman, Ransier, Ellis H. Roberts, William R. Roberts, Rusk, Milton Say-

ler, John G. Schumaker, Scofield, Sener, Shanks, Sheldon, George L. Smith, William A. Smith, Snyder, Stephens, St. John, Swann, Taylor, Vance, Waddell, Wallace, Whitehouse, Wilber, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—69.

So the amendment was agreed to.

During the call of the roll the following announcements were made:

Mr. SAYLER, of Indiana. My colleague, Mr. HUNTER, is absent on business of the House, and will not be here to-day.

Mr. MERRIAM. My colleague, Mr. ELLIS H. ROBERTS, is absent on a committee of conference.

The next amendment, reported from the Committee of the Whole, upon which a separate vote was asked by Mr. KELLOGG, was to insert as section 2, the following:

SEC. 2. That section 9, of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, authorizing the President to employ suitable persons to conduct certain inquiries and to prescribe their duties, and in respect to appointments in the civil service, be, and the same is hereby, repealed, and the unexpended balance of any appropriation heretofore made for carrying the same into effect shall be covered into the Treasury.

That in the Bureaus and in all the Departments at Washington, whenever there shall be a number of applicants for employment therein, a soldier or sailor who fought in the line of duty in the war, a soldier or sailor's widow, wife, daughter, and mother respectively being such applicants, shall have preference in employment suited to each respectively, and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus by reason of diminution of force therein respectively: *Provided*, That two persons of the relationship above stated, either by blood or marriage, shall not have employment in any of said Departments or Bureaus at the same time.

And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States, or the wife, widow, daughter, sister or mother of such soldier, sailor, or marine. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and with reference to their population, and upon the removal of any appointee, the reason for such removal shall be stated on the records of the Department where the service was rendered.

Mr. KELLOGG. The last part of that section was adopted this morning by the Committee of the Whole as a separate and distinct amendment from the other part which was adopted on Saturday last. I ask a separate vote on the portion adopted to-day.

Mr. KASSON. I raise the point of order that the entire section is reported from the Committee of the Whole as one amendment, and must be voted upon as one amendment.

The SPEAKER *pro tempore*. The point of order is well taken; the entire section is one amendment and cannot be divided.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to amend the amendment by inserting after the words "two persons of the relationship above stated" the words "unless both have been disabled in war."

The SPEAKER *pro tempore*. That requires unanimous consent.

Mr. KELLOGG. I object. If the Departments are to be filled with persons entirely disabled, how is the work of the Departments to be carried on?

The question was then taken upon agreeing to the amendment; and upon a *viva voce* vote the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. HAWLEY, of Connecticut. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 17, noes not counted.

Mr. BUTLER, of Tennessee. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was demanded (by Mr. HALE, of Maine) was to strike out \$50,000 and insert \$30,000 in the following paragraph:

For building a light-ship, to be stationed at Winterquarter Shoals, on the coast of Virginia, \$50,000.

Mr. HALE, of Maine. This amendment was adopted on motion of the gentleman from Massachusetts, [Mr. HOOPER,] who upon subsequent examination finds that the appropriation in its original form should stand. I ask therefore that the amendment be not agreed to.

The amendment was not agreed to.

The next amendment on which a separate vote was demanded (by Mr. HALE, of Maine,) was to strike out the following paragraph:

For light-house and day-beacon at or in the vicinity of Mathias Point, Virginia, \$40,000; and the appropriation made by the act of June 10, 1872, for a light to mark the entrance of Shipping Point, Potomac River, Virginia, shall revert to the Treasury.

Mr. HALE, of Maine. I think that we had better not agree to this amendment.

The amendment was not agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had adopted the following resolution:

*Resolved by the Senate, (the House of Representatives concurring.)* That two thousand copies of the report of the Chief Signal Officer for 1873 be printed and bound for the use of the Secretary of War.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 2347) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 935) to provide for writs of error in certain criminal causes.

#### MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. No. 3300) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The next amendment on which a separate vote was demanded (by Mr. PARKER, of Missouri) was to strike out section 3 of the bill and insert in lieu thereof the following:

That the Secretary of the Treasury is hereby directed to inquire into the amounts of liability due from the Choctaw tribe of Indians to individuals, as referred to in articles 12 and 13 of the treaty of June 22, 1855, between the United States and the Choctaw and Chickasaw tribes of Indians, and to report the same to the next session of Congress with a view of ascertaining what amounts, if any, should be deducted from the sum due from the United States to said Choctaw tribe, for the purpose of enabling the said tribe to pay its liabilities, and thereby to enable Congress to provide a fund to be held for educational and other purposes for said tribe, as provided for in article 13 of the treaty aforesaid.

The question being taken on agreeing to the amendment, there were—ayes 96, noes 45; no quorum voting.

Tellers were ordered; and Mr. PARKER, of Missouri, and Mr. GARFIELD were appointed.

The House divided; and the tellers reported—ayes 88, noes 70.

Mr. PARKER, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPEER. I rise to a parliamentary inquiry. I understand this question to be upon agreeing to the substitute.

The SPEAKER *pro tempore*. The choice of the House is now between the substitute and the original text.

Mr. SPEER. If the substitute is rejected does it revive the original section as reported by the Committee on Appropriations?

The SPEAKER *pro tempore*. It does.

Mr. SPEER. Without amendment?

The SPEAKER *pro tempore*. Without amendment.

Mr. SHANKS. I object to putting in stump speeches under the form of "parliamentary inquiries."

The question was taken on agreeing to the substitute adopted by the Committee of the Whole for the third section of the bill; and there were—yeas 118, nays 103, not voting 68; as follows:

YEAS—Messrs. Albert, Albright, Atkins, Banning, Bell, Biery, Bland, Bradley, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Clements, Clymer, Coburn, Conger, Corwin, Cotton, Cox, Creamer, Crooke, Crossland, Crounse, Curtis, Danford, Donnan, Durham, Eames, Eden, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, Henry R. Harris, John T. Harris, John B. Hawley, Hereford, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Hutton, Hyde, Hynes, Kasson, Kelley, Knapp, Lawrence, Lewis, Lofland, Magee, McCrary, MacDougall, McKunkin, McNulta, Merriam, Monroe, Moore, Morrison, Neal, Niblack, O'Brien, O'Neill, Orr, Packer, Page, Hosea W. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, Potter, Randall, Ray, Rice, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Saylor, Scofield, Isaac W. Scudder, Sener, Sheats, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, John Q. Smith, Speer, Sprague, Stanard, Storm, Christopher Y. Thomas, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Wolfe, Woodford, and Woodworth—118.

NAYS—Messrs. Adams, Arthur, Ashe, Averill, Barrere, Barry, Begole, Blount, Bowen, Bright, Buckner, Roderick R. Butler, Caldwell, Cason, Cessna, John B. Clark, Jr., Freeman Clarke, Stephen A. Cobb, Comings, Cook, Crittenden, Crutchfield, Darrall, Davis, Dawes, Dobbins, Dunnell, Giddings, Glover, Gooch, Hagans, Hancock, Benjamin W. Harris, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Herndon, Hodges, Houghton, Howe, Kellogg, Kendall, Lamar, Lawson, Leach, Loughbridge, Lowe, Lowndes, Lynch, Alexander S. McDill, James W. McDill, McKee, McLean, Milliken, Mills, Morey, Negley, Niles, Orth, Packard, Isaac C. Parker, Pelham, Perry, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Rapier, Richmond, Robbins, James C. Robinson, Henry J. Scudder, Sessions, Shanks, Sloan, Sloss, Smart, George L. Smith, J. Ambler Smith, Snyder, Southard, Standiford, Starkweather, Stone, Stowell, Straitt, Charles R. Thomas, Thornburgh, Tremain, Wallace, Walls, White, Whitehead, Whiteley, Whitthorne, John M. S. Williams, William Williams, Willie, and John D. Young—103.

NOT VOTING—Messrs. Archer, Barber, Barnum, Bass, Beck, Berry, Benjamin F. Butler, Cain, Amos Clark, Jr., Clayton, Clinton L. Cobb, Crocker, DeWitt, Duell, Eldredge, Elliott, Farwell, Field, Freeman, Robert S. Hale, Hamilton, Harmer, Harrison, Gerry W. Hazelton, Hersey, Holman, Hubbell, Hunter, Hurlbut, Jewett, Killinger, Lamison, Lampart, Lansing, Luttrell, Marshall, Martin, Maynard, Mitchell, Myers, Nesmith, Nunn, Phillips, Poland, Purman, Ransier, Read, Ellis H. Roberts, William R. Roberts, Rusk, John G. Schumaker, Sheldon, H. Boardman Smith, William A. Smith, Stephens, St. John, Strawbridge, Swann, Sypher, Taylor, Vance, Waddell, Whitehouse, Wilber, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—68.

So the recommendation of the Committee of the Whole was concurred in.

During the roll-call,

Mr. FIELD stated that he was paired with Mr. FREEMAN, of Georgia, who if present would vote in the negative, while he himself would vote in the affirmative.

Mr. BARBER stated that he was paired with Mr. MAYNARD.

The vote was then announced as above recorded.

Mr. HALE, of Maine, moved to reconsider the vote by which the amendment of the Committee of the Whole was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.



Mr. GARFIELD demanded the previous question on the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their Clerks, notifying the House that that body had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

It further announced that the Senate insisted on its amendments to the bill (H. R. No. 3165) to correct the date of the commissions of certain officers of the Army, and agreed to the conference asked on the part of the House, and appointed as conferees on its part Mr. SPENCER, Mr. WEST, and Mr. RANSOM.

#### HON. DAVID B. MELLISH.

Mr. WOODFORD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

*Resolved*, That the proper officers of the House shall pay to the widow of Hon. David B. Mellish the balance of the salary and allowances due him as a member of the House at the time of his death.

#### LEAVE TO PRINT.

Mr. MOREY asked and obtained unanimous consent to have printed in the RECORD some remarks he had prepared on the South and its wants. (See Appendix.)

#### DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER *pro tempore*. By the standing rule of the House, this being the third Monday of the month, the Committee on the District of Columbia is now entitled to the floor.

Mr. COTTON. If the House will give that committee one hour after the reading of the Journal to-morrow morning it will be all the time we ask. It is now five o'clock.

Mr. GARFIELD. I hope the committee will go on now.

The SPEAKER *pro tempore*. Objection being made, the gentleman from Iowa will proceed.

#### ANACOSTIA BRIDGE.

Mr. COTTON. There is on the Speaker's table a Senate bill which we regard of great importance. It is a bill to construct a bridge across the Eastern Branch of the Potomac. I am instructed by the committee to endeavor to have that bill taken up and passed. We have a bill before the House for the construction of a bridge at this same place which requires an appropriation of \$250,000. According to the plan we have here on our desks we are informed from estimates carefully made a bridge can be constructed for \$146,000.

The SPEAKER *pro tempore*. What motion does the gentleman make?

Mr. COTTON. I move to take up for consideration at this time the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

The bill, which was read, provides that the Secretary of War be, and he is thereby, authorized and directed to cause to be constructed across the Anacostia River, at or near the site of the present navy-yard bridge, in the District of Columbia, a substantial iron and masonry bridge and causeway; and the sum of \$146,000 be, and the same is thereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge; provided that the said Secretary shall construct a bridge upon such plan as shall cost no more than the amount therein appropriated; and provided also that the said bridge shall be so constructed as not to interfere with the usual navigation above said bridge.

The SPEAKER *pro tempore*. Is there objection to taking up that bill?

Mr. LAWRENCE. I object.

Mr. COTTON. Then I move to suspend the rules to take it up, and I hope the House will sustain us.

The House divided; and there were ayes 92, noes not counted.

So the motion to suspend the rules was seconded.

The question then recurred on suspending the rules.

The House divided; and there were—ayes 96, noes 20.

Mr. LAWRENCE demanded tellers.

Tellers were ordered; and Mr. LAWRENCE and Mr. COTTON were appointed.

The House again divided; and the tellers reported—ayes 120, noes 26.

So (two-thirds voting in favor thereof) the rules were suspended.

Mr. WILLARD, of Vermont. I ask the gentleman to yield to me for an amendment.

Mr. COTTON. I will hear it read.

The Clerk read as follows:

Insert after the word "appropriated" these words:

But no part of this appropriation shall be paid out of the Treasury until the con-

tracts shall have been entered into with responsible parties and with sufficient sureties, approved by the Secretary of the Treasury, for the construction and completion of said bridge, including masonry, iron-work, and causeway, at a cost not to exceed \$146,000.

Mr. COTTON. I will allow that amendment to be voted on. I demand the previous question.

Mr. COBURN. I move the House take a recess.

Mr. RANDALL. I move the recess be until eight o'clock.

The SPEAKER *pro tempore*. That cannot be done, as the recess has been provided for under a suspension of the rules until half past seven o'clock.

Mr. COBURN's motion was rejected.

The previous question was seconded and the main question ordered.

Mr. G. F. HOAR. I ask that the bill be read so we may see the operation of the amendment.

The bill and amendment were again read.

Mr. G. F. HOAR. I wish to call the attention of the gentleman from Vermont [Mr. WILLARD] and the chairman of the Committee on the District of Columbia to the impropriety of mixing up the authority of these Departments in this way.

Mr. WILLARD, of Vermont. I am willing to change my amendment to say "the Secretary of War" instead of "Secretary of the Treasury."

Mr. RANDALL. This shows the great advantage of delay and consequent investigation. The original estimate for this bridge was over \$300,000.

Mr. RICE. That was a different bridge.

Mr. RANDALL. The bill introduced into this House was for \$275,000. An intelligent and capable engineer now says that a proper bridge can be built across this river for \$145,000.

Mr. RICE. You can put a bridge there for \$60,000; but do you want a \$60,000 bridge?

Mr. RANDALL. I want what a civil engineer says is a sufficient and proper bridge.

Mr. COBURN. I move that the bill be laid on the table.

The motion to lay the bill on the table was not agreed to.

Mr. COBURN. Should not this bill have its first consideration in Committee of the Whole?

The SPEAKER *pro tempore*. The point is made too late.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. COTTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

Mr. RICE, from the Committee on the District of Columbia, reported back, with a recommendation that it do pass, the bill (H. R. No. 3641) to amend an act entitled "An act incorporating the Washington and Georgetown Railroad Company," approved May 17, 1862.

Mr. PLATT, of Virginia. I move that the House take a recess until half past seven o'clock.

Mr. STORM. Pending that motion I move that the House do now adjourn.

The question being taken on the motion that the House adjourn, there were—ayes 60, noes 104.

So the motion was not agreed to.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, leave was given to withdraw papers from the files in the House in the following cases:

By Mr. O'BRIEN: In the case of Benjamin Isaac and Thomas DeFord, of Baltimore.

By Mr. STORM: In the case of Charles Cosby, of Hardin County, Kentucky.

By Mr. BURCHARD: In the case of O. P. Burnside. No adverse report.

By Mr. MOREY: In the case of Charles Clinton, of New Orleans.

By Mr. CHIPMAN: In the case of Mary A. Holmead.

By Mr. CRITTENDEN: In the case of S. Highleyman.

By Mr. BLOUNT: In the case of A. C. Davenport.

By Mr. MCFADDEN: In the case of Calvin N. Hale, assignee of Hale, Winson & Crosby.

The question being taken on the motion of Mr. PLATT, of Virginia, that the House take a recess, there were ayes 110, noes not counted. So the motion was agreed to.

And accordingly (at five o'clock and twenty-two minutes p. m.) the House took a recess until half past seven o'clock.

#### EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. (Mr. WHEELER.) By order of the House under a suspension of the rules, the special assignment of business this evening is the consideration of reports from the Committee on Public Buildings and Grounds, to the exclusion of all other business.

Mr. RANDALL. In view of the fact that there is manifestly not a quorum present, I move that the House take a recess until eight o'clock.

Mr. LAWRENCE. O, no; let me make some reports from the Committee on War Claims.

The SPEAKER *pro tempore*. The order of the House excludes all business except reports from the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia. I ask the gentleman from Pennsylvania to modify his motion so that the recess shall expire at ten minutes to eight o'clock.

Mr. RANDALL. I agree to that.

The motion, as modified, was agreed to.

The House accordingly (at seven o'clock and thirty-five minutes p. m.) took a recess until seven o'clock and fifty minutes p. m.

The recess having expired, the House reassembled at ten minutes to eight o'clock p. m.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers.

The message further announced that the Senate insisted upon its amendment to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. PRATT, and Mr. STOCKTON to be conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

#### COST OF PUBLIC BUILDINGS.

Mr. PLATT, of Virginia. I am instructed by the Committee on Public Buildings and Grounds to report back with the recommendation that it do pass the bill (H. R. No. 3589) to extend the limits as to cost of certain public buildings, and to remove certain restrictions in regard to the construction of the same, and for other purposes. I move the previous question on the engrossment and third reading of the bill.

The bill was read. It proposes for the purpose of securing the erection of suitable public buildings already authorized by law at the following-named places to extend the amounts authorized to be expended in the construction of the same as follows, and to remove all restrictions as regards the material of which they shall be composed: Philadelphia, Pennsylvania, \$4,000,000; Cincinnati, Ohio, \$3,500,000; Nashville, Tennessee, \$400,000; Raleigh, North Carolina, \$350,000; Atlanta, Georgia, \$350,000; Evansville, Indiana, \$300,000; Covington, Kentucky, \$250,000; Fall River, Massachusetts, \$200,000; Trenton, New Jersey, \$350,000.

The second section provides that no sums in excess of the amounts named in the act shall be expended in the construction of the buildings therein named; and all acts and parts of acts inconsistent with the provisions of the act are thereby repealed.

The third section authorizes the Secretary of the Treasury to accept sites for public buildings which have been or may be tendered by the municipal authorities of the following-named cities and towns, if in his opinion the interest of the Government would be thereby promoted: Carson, Nevada; Greenville, South Carolina; Jefferson City, Missouri; Tallahassee, Florida; and he is directed to report to Congress at the beginning of its next session what action he has taken under the authority granted by the provisions of the act.

The fourth section directs the Secretary of the Treasury to report to Congress at the beginning of its next session whether the present needs of the Government require the erection of public buildings at any, and, if so, which, of the following-named places, and the estimated cost of the same, including the site, at each place at which the erection of a public building may be recommended: Auburn, New York; Brooklyn, New York; Syracuse, New York; Rochester, New York; Danville, Virginia; Fredericksburgh, Virginia; Lynchburgh, Virginia; Winchester, Virginia; Harrisonburgh, Virginia; Erie, Pennsylvania; Salem, Massachusetts; Charleston, West Virginia; Asheville, North Carolina; Wilmington, North Carolina; Beaufort, South Carolina; Greenville, South Carolina; Jacksonville, Florida; Key West, Florida; Tallahassee, Florida; Montgomery, Alabama; Shreveport, Louisiana; Austin, Texas; Dallas, Texas; Galveston, Texas; Houston, Texas; Jefferson, Texas; Tyler, Texas; New Albany, Indiana; Quincy, Illinois; Council Bluffs, Iowa; Oxford, Mississippi; Bowling Green, Kentucky; Jefferson City, Missouri; Kansas City, Missouri; Saint Joseph, Missouri; Leavenworth, Kansas; Topeka, Kansas; Du Luth, Minnesota; Red Wing, Minnesota; Green Bay, Wisconsin; La Crosse, Wisconsin; Milwaukee, Wisconsin; Oshkosh, Wisconsin; Carson, Nevada; San Francisco, California; Port Townsend, Washington Territory; Olympia, Washington Territory.

Mr. WILLARD, of Vermont. I suppose there is no intention of insisting on the previous question on this bill without any discussion or consideration of it.

Mr. PLATT, of Virginia. The time is so limited that I should feel

compelled to insist on the previous question, and then I will allow the hour allotted to me after the previous question shall be sustained for discussion.

Mr. BURCHARD. But we may want to amend the bill.

Mr. STARKWEATHER. There must be some discussion on a bill of this character.

Mr. BURCHARD. And amendments must be offered.

Mr. PLATT, of Virginia. That is the very reason why I want the previous question seconded.

Mr. WILLARD, of Vermont. You cannot have the previous question seconded without discussion.

Mr. RANDALL. I wish to inquire what are the restrictions which are removed by this bill.

Mr. STARKWEATHER. All the safeguards in regard to the cost of buildings.

Mr. PLATT, of Virginia. I feel compelled to insist on the previous question.

The question was put on seconding the previous question; and on a division there were—ayes 61, noes 60; no quorum voting.

Tellers were ordered; and Mr. PLATT, of Virginia, and Mr. WILLARD, of Vermont, were appointed.

Mr. PLATT, of Virginia. In deference to the request of gentlemen who desire an opportunity to make some remarks upon this bill, I withdraw the call for the previous question, and will occupy a short time in explanation of the bill.

Mr. RANDALL. I suggest that we adopt the five-minute rule.

Mr. WILLARD, of Vermont. It is already adopted.

The SPEAKER *pro tempore*. It is already adopted; that is the order for the evening.

Mr. PLATT, of Virginia. Then I have five minutes in which to explain the bill.

The SPEAKER *pro tempore*. That is the order of the House.

Mr. PLATT, of Virginia. I wish to say that the bill provides first, for the extension of the limits previously fixed on the cost of buildings at the various places named, which are Philadelphia, Cincinnati, Nashville, Raleigh, North Carolina; Atlanta, Georgia; Evansville, Indiana; Covington, Kentucky; Fall River, Massachusetts; and Trenton, New Jersey. In five minutes I have not time to have read the letters of the Secretary of the Treasury in relation to these points named. I will simply say that the committee are unanimous in the recommendations contained in the bill after a careful examination of the facts placed before them by gentlemen representing the districts in which the buildings are situated, and by the Supervising Architect of the Treasury and other officers connected with the Treasury Department.

The second section of the bill provides that in some instances where sites have been tendered to the Government of the United States for the purpose of erecting at some time public buildings there, the Secretary of the Treasury is authorized to examine the sites and the propositions made by the places proposing to give them to the United States free of cost, and if, in his judgment, the interests of the Government will warrant the acceptance of the sites as gifts to the United States, he has authority to so accept them in behalf of the Government.

The third section provides that he shall, between now and the next session of Congress, inquire in regard to the necessity for public buildings at various points where they have been asked for by the localities named, that he shall examine and report on the cost of such buildings, including the cost of sites, and whether in his opinion the interests of the Government demand that public buildings shall be erected at the points named, and he is to make that report at the next session of Congress. Those are all the provisions in the bill.

Mr. WILLARD, of Vermont. I would like to have the gentleman answer an inquiry or two. I desire to know how much the limit at Philadelphia is increased?

Mr. RANDALL. One million dollars.

Mr. CREAMER. One and a half million dollars.

Mr. PLATT, of Virginia. If the gentleman from New York is going to answer these questions I will take my seat.

Mr. WILLARD, of Vermont. The increase at Philadelphia is \$1,000,000.

Mr. PLATT, of Virginia. The cost of the building and site was fixed at \$3,000,000 by the original law. The site at Philadelphia cost a great deal more than was anticipated. One of the most magnificent blocks in that city, one of the most valuable squares, has been obtained, where the present custom-house is located, and the cost of that site, I believe, I am not quite certain in my recollection on that point, but any of the gentlemen from Philadelphia can correct me if I am wrong, was \$1,500,000.

Mr. RANDALL. About that.

Mr. PLATT, of Virginia. The Government of the United States made a magnificent bargain when they purchased it at that price, and if they were to sell it to-day they would get a great deal more than they paid for it.

Mr. WILLARD, of Vermont. How about Cincinnati?

Mr. PLATT, of Virginia. At present the limit at Cincinnati is \$2,500,000. Originally the cost of the building and site was limited to that amount. It is proposed by this bill to extend the limitation, so that the cost of the building and site shall not exceed \$3,500,000.

Mr. WILLARD, of Vermont. That is an increase of \$1,000,000. What is the increase at Nashville?



Mr. PLATT, of Virginia. One hundred and fifty thousand dollars. Mr. WILLARD, of Vermont. What is the increase at Raleigh, North Carolina? Or I hope the gentleman will be kind enough to tell us, without my asking him in each case, the increase contemplated by this bill in each of these cases.

Mr. PLATT, of Virginia. I will endeavor to do so if I have time in my five minutes.

The SPEAKER *pro tempore*. The five minutes of the gentleman have expired.

Mr. WILLARD, of Vermont. I yield the gentleman my five minutes.

Mr. PLATT, of Virginia. For Philadelphia, Pennsylvania, the cost now authorized by law for the site and building is limited to \$3,000,000; this bill extends it to \$4,000,000. For Cincinnati the present limit is \$2,500,000; this bill extends it to \$3,500,000. For Nashville, Tennessee, the present limit is \$150,000; this bill extends it to \$400,000. For Raleigh, North Carolina—and gentlemen will notice that these places are all capitals of States or important points—for Raleigh, North Carolina, the present limit is \$200,000, and this bill extends it to \$350,000. For Covington, Kentucky, the limit is \$100,000; this bill extends it to \$250,000. For Fall River, Massachusetts, the site having been purchased, the amount available under the present law for the construction of the building is \$57,000; this extends the whole amount for site and building to \$200,000. For Trenton, New Jersey, the present limit is \$250,000; this bill makes it \$350,000.

Mr. WILLARD, of Vermont. How about Evansville, Indiana?

Mr. PLATT, of Virginia. The present limit is \$200,000; this bill makes it \$300,000.

Mr. WILLARD, of Vermont. And for Atlanta, Georgia?

Mr. PLATT, of Virginia. The present limit is \$110,000; this bill makes it \$350,000.

Mr. RANDALL. That is, the extension of this bill is \$3,500,000 in all.

Mr. WILLARD, of Vermont. Has there been any authority yet given by law for the erection of public buildings at Carson, Nevada, Greenville, South Carolina, Jackson City, Missouri, or Tallahassee, Florida?

Mr. PLATT, of Virginia. We ask the Secretary of the Treasury to inquire whether there is any necessity for public buildings there.

Mr. WILLARD, of Vermont. No; you direct him to accept sites.

Mr. PLATT, of Virginia. I beg the gentleman's pardon. We direct him to examine the propositions to grant sites, and if in his judgment he deems it necessary for the interest of the Government he has authority to accept them. The bill authorizes the Secretary of the Treasury "to accept sites for public buildings which have been tendered by the municipal authorities of the following-named cities and towns, if in his opinion the interest of the Government would be thereby promoted."

Mr. WILLARD, of Vermont. Yes; to accept sites.

Mr. PLATT, of Virginia. These cities have tendered sites to the Government as a free gift. We say that where a town or city makes a free gift to the Government of a site, the proposition should be examined in order to ascertain if it would be for the interest of the Government to accept it.

Mr. WILLARD, of Vermont. And if the Government accepts the site, that of course commits us to put up a building on it.

Mr. PLATT, of Virginia. Not necessarily. But I suppose that unless the Secretary deems it proper to put up a public building there he would not accept the site. I now move to recommit the bill.

Mr. RANDALL. I move to amend the first section of the bill by striking out the words "and all restrictions as regards the material of which they shall be composed are removed."

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. PLATT] moves to recommit the bill, which excludes amendment.

Mr. WILLARD, of Vermont. I understood that the order of the House in this case was that these bills from the Committee on Public Buildings and Grounds should be considered in the House as in Committee of the Whole under the five-minute rule. Is the motion to recommit in order?

The SPEAKER *pro tempore*. It is; but it should be followed by a motion for the previous question. The Chair will state the position of the question. Before the gentleman from Virginia took his seat he made a motion to recommit the bill. Then the gentleman from Pennsylvania [Mr. RANDALL] rose and moved to amend. The motion to recommit takes precedence and shuts out all amendments.

Mr. PLATT, of Virginia. I suppose that debate can go on on the motion to recommit.

The SPEAKER *pro tempore*. It can under the five-minute rule.

Mr. RANDALL. The motion to recommit cuts off my amendment.

Mr. PLATT, of Virginia. My object is to permit the fullest debate upon the bill under the five-minute rule.

The SPEAKER *pro tempore*. With the motion to recommit pending the debate can only be five minutes for and five minutes against, or ten minutes in all.

Mr. PLATT, of Virginia. I must decline to admit any amendment.

Mr. RANDALL. I hope the House will vote down the motion to recommit.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] or any other gentleman desire to debate for five minutes the motion to recommit?

Mr. STARKWEATHER. I do.

Mr. G. F. HOAR. I rise to a parliamentary inquiry. I do not think that the House understands precisely the force of the motion to recommit. Suppose that motion be voted down, then under the previous order of the House will not any amendments be in order?

The SPEAKER *pro tempore*. They will be in order under the five-minute rule.

Mr. G. F. HOAR. No previous question will operate.

The SPEAKER *pro tempore*. The previous question will not operate until it is ordered by the House.

Mr. PLATT, of Virginia. Is debate exhausted on the motion to recommit?

The SPEAKER *pro tempore*. It is.

Mr. PLATT, of Virginia. Then I withdraw the motion, and demand the previous question on ordering the bill to be engrossed for the third reading.

Mr. STARKWEATHER. If we cannot have some discussion on this bill, I move to adjourn. I am not willing that we should appropriate \$15,000,000 without some debate.

Mr. G. F. HOAR. I understand that this bill is being considered in the House as in Committee of the Whole, and under the rule operating in Committee of the Whole the previous question is not in order; as long as any member chooses to offer an amendment it must be entertained.

The SPEAKER *pro tempore*. The Chair understands that in considering this bill all the rules of the House apply except with regard to the limitation of debate, which is subject to the five-minute rule. Pending the demand for the previous question the gentleman from Connecticut [Mr. STARKWEATHER] moves that the House adjourn.

Mr. STARKWEATHER. If we cannot have a few minutes' discussion—

Several MEMBERS. Regular order!

Mr. STARKWEATHER. Then I insist on my motion to adjourn.

The question being put on the motion,

The SPEAKER *pro tempore* declared that the "noes" appeared to prevail.

Mr. STARKWEATHER called for tellers.

Tellers were ordered; and Mr. STARKWEATHER, and Mr. PLATT of Virginia, were appointed.

The House divided; and the tellers reported—ayes 32, noes 92.

Mr. LOUGHRIDGE called for the yeas and nays.

The yeas and nays were ordered, there being ayes 34, noes not counted.

Mr. PLATT, of Virginia. I desire to make a proposition which I think will be satisfactory. If it will meet the wishes of gentlemen who oppose this bill—

Several MEMBERS. Regular order!

The question was taken; and there were—yeas 29, nays 151, not voting 109; as follows:

YEAS—Messrs. Barrere, Burchard, Cannon, Stephen A. Cobb, Cox, Creamer, Fort, Foster, Frye, Hamilton, Magee, Merriam, Mills, Monroe, Packard, Hosea W. Parker, Phelps, Randall, James C. Robinson, A. Herr Smith, John Q. Smith, Starkweather, Storm, Waldron, Wheeler, Wilber, Charles W. Willard, and Charles G. Williams—29.

NAYS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buckner, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cessna, Amos Clark, Jr., John B. Clark, Jr., Clements, Clyner, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crossland, Cronase, Curtis, Danford, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Field, Gardfield, Giddings, Glover, Gooch, Gunckel, Hagans, Hancock, Harner, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Hutton, Hyde, Kasson, Kellogg, Knapp, Lawrence, Lawson, Lowe, Lowndes, Luttrell, Martin, Alexander S. McDill, James W. McDill, MacDougall, Milliken, Moore, Morey, Morrison, Neal, Negley, Niblack, Nunn, O'Brien, O'Neill, Packer, Isaac C. Parker, Parsons, Pendleton, Perry, Pierce, James H. Platt, Jr., Thomas C. Platt, Rapier, Ray, Rice, Richmond, Robbins, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Seefeld, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Sprague, Stanard, Standiford, Stone, Strait, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whitehead, Whitthorne, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, Wolfe, Woodford, Woodworth, and John D. Young—151.

NOT VOTING—Messrs. Adams, Averill, Barnum, Barry, Bass, Bright, Benjamin F. Butler, Cain, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Crocker, Crutchfield, Darrall, Davis, Dawes, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Eugene Hale, Robert S. Hale, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, Holman, Hooper, Houghton, Howe, Hubbell, Hunter, Huribut, Hynes, Jewett, Kelley, Kendall, Killinger, Lamar, Lamison, Lampport, Lansing, Leach, Lewis, Lofland, Loughridge, Lynch, Marshall, Maynard, McCrary, McJunkin, McKee, McLean, McNulta, Mitchell, Myers, NeSmith, Niles, Orr, Orth, Page, Pelham, Phillips, Pike, Poland, Potter, Pratt, Purman, Rainey, Ransier, Read, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, John G. Schumaker, Sheets, Sheldon, Sloss, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Speer, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Tremain, Waddell, White, Whitehouse, Whiteley, Willie, Wilsbire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—109.

So the motion to adjourn was not agreed to.

During the roll-call, the following announcements were made:

Mr. GIDDINGS. My colleague, Mr. WILLIE, is detained from the House by sickness in his family.

Mr. DONNAN. My colleague, Mr. MCCRARY, is absent to-night in attendance on a conference committee.

Mr. MERRIAM. My colleague, Mr. ELLIS H. ROBERTS, is absent upon a conference committee.



Mr. O'BRIEN. The gentleman from Pennsylvania, Mr. SPEER, is unable to attend the session to-night on account of overwork to-day in fighting the Choctaw Indian claim. I believe that if present he would vote for the adjournment.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question now recurs upon the demand of the gentleman from Virginia [Mr. PLATT] for the previous question.

Mr. PLATT, of Virginia. Before that question is taken I ask unanimous consent to have the following amendment considered as pending—

Mr. FORT. No; we do not consent to that.

The SPEAKER *pro tempore*. Objection is made.

Mr. GARFIELD. I ask the gentleman from Virginia to allow some debate on this bill.

Mr. PLATT, of Virginia. I will allow all the debate that gentlemen desire.

Mr. GARFIELD. Then withdraw the demand for the previous question.

Several MEMBERS. We want to offer amendments.

Mr. PLATT, of Virginia. I think I have here all the amendments that gentlemen have indicated a desire to offer.

Mr. WILLARD, of Vermont. There are a great many amendments that have not been submitted to the gentleman.

Mr. PLATT, of Virginia. I insist on my motion.

Mr. WILLARD, of Vermont. I move to lay the bill on the table.

The SPEAKER *pro tempore*. The Chair does not understand the motion of the gentleman from Virginia. He will state it again.

Mr. PLATT, of Virginia. I ask unanimous consent—

The SPEAKER *pro tempore*. Objection is made.

Mr. PLATT, of Virginia. Then I withdraw the demand for the previous question and substitute a motion that the rules be suspended and the bill be passed with the following amendments:

In line 6, after the word "extended," insert "to the amounts named respectively."

Strike out in lines 6, 7, and 8 these words: "and all restrictions as regards the material of which they shall be composed are removed."

The last amendment which I include in my motion is that of the gentleman from Massachusetts, [Mr. G. F. HOAR,] to add at the end of the third section the following:

*Provided*, That upon such acceptance notice shall be given to the grantors of such sites that the United States are in nowise pledged to erect such buildings unless Congress shall hereafter think fit; and acknowledgment of such notice shall be contained in the deeds thereof.

Mr. CONGER. I ask the gentleman from Virginia to yield to me to offer an amendment.

Mr. PLATT, of Virginia. I will yield to hear the amendment read.

Mr. CONGER. I hope the gentleman will yield to an amendment to insert on the third page, in line 9, provision for a building at Montpelier, Vermont.

Mr. PLATT, of Virginia. I decline to yield to that amendment.

Mr. WILLARD, of Vermont. I hope the gentleman will yield also for an amendment for a building at Port Huron.

Mr. RANDALL. I hope the gentleman will agree to allow the third section to be amended so as to exclude buildings for all towns where there are not held sessions of United States courts.

Mr. PLATT, of Virginia. There is no town there where there is not held sessions of the United States courts.

Mr. RANDALL. I think the gentleman is mistaken.

Mr. PLATT, of Virginia. I decline to yield to any further amendment, and now call for a vote on the motion to suspend the rules and pass the bill with the amendments I have stated.

Mr. PARKER, of New Hampshire. I move the bill be laid on the table.

The SPEAKER *pro tempore*. That motion cannot be entertained. There is only one motion which can be entertained pending a motion to suspend the rules, and that is the House adjourn.

Mr. MERRIAM. I move the House do now adjourn, and on that motion I demand tellers.

Tellers were ordered; and Mr. MERRIAM, and Mr. PLATT of Virginia, were appointed.

Mr. COX. At what stage will it be in order for my friend from New Hampshire to move to lay the bill on the table?

The SPEAKER *pro tempore*. If the motion to suspend the rules is lost, then the motion to lay on the table will be in order.

The House divided on the motion to adjourn; and the tellers reported—ayes 59, noes 73.

Mr. LOUGHRIDGE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 68, nays 121, not voting 100; as follows:

YEAS—Messrs. Barber, Barrere, Bland, Burchard, Burleigh, Burrows, Cannon, Cason, Amos Clark, jr., Clements, Clymer, Stephen A. Cobb, Cotton, Cox, Creamer, Crossland, Curtis, Danford, Davis, Donnan, Duell, Eames, Fort, Foster, Frye, Giddings, Gunkel, Hamilton, Hathorn, Hoskins, Kasson, Kellogg, Lawson, Loughridge, Lowe, Magee, Martin, McJunkin, Merriam, Mills, Monroe, O'Brien, Hosea W. Parker, Pendleton, Phelps, Phillips, Randall, James C. Robinson, James W. Robinson, Ross, Scofield, Henry J. Scudder, Shanks, Lazarus D. Shoemaker, Small, J. Ambler Smith, John Q. Smith, Southard, Starkweather, Storm, Tyner Waldron, Marcus L. Ward, Wilber, Charles W. Willard, Charles G. Williams, James Wilson, and Woodworth—68.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Ban-

ning, Beck, Begole, Bell, Berry, Biery, Blount, Bowen, Bradley, Bromberg, Brown, Buckner, Bullinton, Bundy, Roderick R. Butler, Cessna, John B. Clark, jr., Comingo, Conger, Cook, Corwin, Crittenden, Crooke, Crouse, Dobbins, Dunnell, Durham, Field, Glover, Gooch, Hagans, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, E. Rockwood Hoar, George F. Hoar, Hunton, Hyde, Kendall, Killinger, Knapp, Lawrence Lewis, Lowndes, Luttrell, Alexander S. McDill, James W. McDill, MacDougall, Milliken, Moore, Morrison, Neal, Niblack, Niles, Nunn, O'Neill, Packard, Isaac C. Parker, Parsons, Perry, James H. Platt, jr., Thomas C. Platt, Rapier, Ray, Rice, Robbins, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Sherwood, Sloan, Sloss, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Stannard, Standiford, Stone, Straitt, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Wallace, Walls, Jasper D. Ward, Wells, Whitehead, Whiteley, Whitthorne, George Willard, John M. S. Williams, William Williams, William B. Williams, Wilshire, Wolfe, Woodford, and John D. Young—121.

NOT VOTING—Messrs. Averill, Barnum, Barry, Bass, Bright, Benjamin F. Butler, Cain, Caldwell, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Crocker, Crutchfield, Darrall, Dawes, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, Hodges, Holman, Hooper, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Jewett, Kelley, Lamar, Lamison, Lampport, Lansing, Leach, Lofland, Lynch, Marshall, Maynard, McCrary, McKee, McLean, McNulta, Mitchell, Morey, Myers, Negley, Nesmith, Orr, Orth, Packer, Page, Pelham, Pierce, Pike, Poland, Potter, Pratt, Purman, Rainey, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, Sheats, Sheldon, Smart, George L. Smith, William A. Smith, Speer, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Tremain, Vance, Waddell, Wheeler, White, Whitehouse, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—100.

So the House refused to adjourn.

Mr. LOUGHRIDGE. I hope the gentleman will yield to me to have an amendment read.

Mr. PLATT, of Virginia. I decline to yield to anybody until I make my statement. I do not wish to antagonize gentlemen who wish to be heard on this bill, and for the purpose of preventing further dilatory motions I will withdraw the motion to suspend the rules, and now ask that the bill be taken up by sections for consideration.

Mr. BURCHARD. I move to lay the bill upon the table, and on that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 108, nays 77, not voting 104; as follows:

YEAS—Messrs. Albert, Albright, Archer, Barber, Barrere, Begole, Biery, Bradley, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., Clements, Clymer, Stephen A. Cobb, Conger, Corwin, Cotton, Cox, Creamer, Crossland, Danford, Donnan, Dunnell, Eames, Field, Fort, Foster, Frye, Garfield, Giddings, Gooch, Gunkel, Eugene Hale, Benjamin W. Harris, Hatcher, Hathorn, Havens, Joseph R. Hawley, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hoskins, Hyde, Jewett, Kasson, Kellogg, Killinger, Lawrence, Lawson, Loughridge, Lowe, Magee, Martin, Merriam, Mills, Monroe, Morrison, Neal, Niles, Packard, Hosea W. Parker, Pendleton, Phillips, Thomas C. Platt, Randall, Ray, James C. Robinson, James W. Robinson, Ross, Henry B. Saylor, Scofield, Henry J. Scudder, Shanks, Sherwood, Lazarus D. Shoemaker, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Stannard, Starkweather, Storm, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, Wolfe, and Woodworth—109.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bullinton, John B. Clark, jr., Comingo, Cook, Crittenden, Crooke, Crouse, Curtis, Duell, Durham, Glover, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hereford, Hodges, Hunton, Kendall, Knapp, Lewis, Lowndes, James W. McDill, MacDougall, McKee, Milliken, Moore, Negley, Niblack, O'Neill, Packer, Isaac C. Parker, Parsons, Perry, Pierce, James H. Platt, jr., Rapier, Rice, Robbins, Rusk, Sawyer, Milton Saylor, John G. Schumaker, Isaac W. Scudder, Sener, Sloan, Snyder, Standiford, Stone, Straitt, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Todd, Wallace, Wells, White, Whitehead, Whiteley, Whitthorne, John M. S. Williams, Wilshire, Woodford, and John D. Young—78.

NOT VOTING—Messrs. Averill, Barnum, Barry, Bass, Bright, Benjamin F. Butler, Roderick R. Butler, Cain, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Crocker, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dobbins, Eden, Eldredge, Elliott, Farwell, Freeman, Robert S. Hale, Harmer, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, Hersey, Holman, Hooper, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kelley, Lamar, Lamison, Lampport, Lansing, Leach, Lofland, Luttrell, Lynch, Marshall, Maynard, McCrary, Alexander S. McDill, McJunkin, McLean, McNulta, Mitchell, Morey, Myers, Nesmith, Nunn, O'Brien, Orr, Orth, Page, Pelham, Phelps, Pike, Poland, Potter, Pratt, Purman, Rainey, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, Sessions, Sheats, Sheldon, Smart, William A. Smith, Southard, Speer, Sprague, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Tremain, Vance, Waddell, Walls, Whitehouse, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—102.

So the motion to lay the bill on the table was agreed to.

During the roll-call, the following announcements were made:

Mr. ROBBINS. My colleague, Mr. VANCE, is detained from the House by sickness.

Mr. LAWSON. My colleague Mr. TREMAIN, is detained by sickness. The result of the vote was then announced as above recorded.

Mr. BURCHARD moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FIRE-ALARM TELEGRAPH.

Mr. PLATT, of Virginia. I yield to my colleague on the committee, the gentleman from New York, [Mr. SESSIONS.]

Mr. SESSIONS. I move that the rules be suspended and that the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 3532) to aid in the construction of a fire-alarm telegraph in the District of Columbia, and that the same be passed.

Mr. PARKER, of New Hampshire. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 105, noes 35.

Mr. PLATT, of Virginia, called for the yeas and nays.  
On the question of ordering the yeas and nays there were yeas 20, not a sufficient number.  
Mr. PLATT, of Virginia, called for tellers on the yeas and nays.  
Tellers were not ordered.  
So the yeas and nays were refused, and the motion to adjourn was agreed to.  
And accordingly (at nine o'clock and forty-five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CANNON, of Illinois: The petition of citizens of Macon County, Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. CROUNSE: The petition of citizens of Nebraska, of similar import, to the same committee.

By Mr. FORT: The petition of citizens of Iroquois County, Illinois, of similar import, to the same committee.

By Mr. GUNCKEL: The petition of W. T. Alexander, of Dayton, Ohio, for compensation for property destroyed by rebels during the late war, to the Committee on War Claims.

By Mr. HURLBUT: The petition of citizens of Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. LOUGHRIDGE: The petition of citizens of Richland County, Iowa, of similar import, to the same committee.

By Mr. LUTTRELL: Papers relating to the claim of David T. Tryon, to the Committee on Claims.

Also, paper relating to the claim of A. B. Gilbert, to the Committee on Claims.

By Mr. O'BRIEN: The petition of workmen of Baltimore, for the restoration of the 10 per cent. reduction of duty on iron and steel, to the Committee on Ways and Means.

By Mr. ORR: The petition of citizens of Iowa, for a post-route from Sioux Rapids to Emmitsburgh, Iowa, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Iowa, for a double-track railroad from the Missouri River to tide-water, to the Committee on Railways and Canals.

Also, the petition of citizens of O'Brien, O'Brien County, Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. READ: Additional papers relating to the claim of Sarah P. Cally, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. RICHMOND: The petition of Catharine Hepinger, of Clarion County, Pennsylvania, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Ohio: The petition of Cornelia M. Arthur, of Cincinnati, Ohio, for increase of pension, to the Committee on Invalid Pensions.

By Mr. STONE: The petition of the Lyon Monument Association, of Saint Louis, Missouri, for authority to sell the land appropriated for the site of the Lyon monument, and appropriate the proceeds of the sale to the erection of the monument on a better site, to the Committee on Public Buildings and Grounds.

By Mr. SWANN: A communication of Innes Randolph, in relation to a copy of a marble bust of William Pinkney for the Capitol, to the Committee on the Library.

By Mr. WOLFE: The petition of citizens of Indiana, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

#### IN SENATE.

TUESDAY, June 16, 1874.

The Senate met at eleven o'clock a. m.

On motion of Mr. SARGENT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

#### DUPLICATE AGRICULTURAL LAND SCRIP.

Mr. SPRAGUE. I ask that bills from the Committee on Public Lands be now considered, in accordance with the notice I gave yesterday. I move that the Senate proceed to the consideration of House bill No. 3090.

Mr. SARGENT. Will that be subject to morning business?

Mr. SPRAGUE. It will not take long.

By unanimous consent, the bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed was considered as in Committee of the Whole. It extends the provisions of the act of Congress of the 23d of June, 1860, relating to the reissue of land warrants in certain cases, so as to include the reissue of agricultural college land scrip lost, canceled,

or destroyed without the fault of the owner thereof, under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### THOMAS RIDGWAY.

Mr. SPRAGUE. I now move to take up House bill 1691.

The motion was agreed to, and the bill (H. R. No. 1691) for the relief of Thomas Ridgway was considered as in Committee of the Whole. It confirms the title of Thomas Ridgway, late of Linn County, Missouri, to the northeast quarter of section 29, in township 58, in range 19 north, in that county.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### HOMESTEAD ENTRIES.

Mr. SCHURZ. As I am ill and desire to leave the Chamber soon I wish, with the consent of the Senator from Rhode Island, to call up a bill from the Committee on Public Lands. The other day we considered House bill No. 3354, to which the Senator from Vermont [Mr. EDMUNDS] offered an amendment, and I would say that I have agreed with him upon an amendment, so that no further discussion will be necessary.

There being no objection, the consideration of the bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases was resumed as in Committee of the Whole.

Mr. SCHURZ. There was an amendment pending offered by the Senator from Vermont, and he and I had agreed upon a modification of it, as follows:

Insert at the end of the bill:

*Provided*, That nothing in this act shall have the effect or be construed to impair the valid and paramount adverse rights of any person or corporation to any of such lands, except in so far as the right of Congress to protect the claims or rights of homestead settlers upon land within the limits of grants of lands to any railroad company may have been reserved in the acts making such grants and be now lawfully existing.

The amendment was agreed to.

Mr. SCHURZ. There is another amendment which was suggested by the Senator from New York, [Mr. CONKLING,] which I accepted also. It is to insert in line 3, after the word "lands," the word "heretofore."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### ISLAND IN SAGINAW RIVER.

Mr. SPRAGUE. I move to take up House bill No. 2539.

The motion was agreed to; and the bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan was considered as in Committee of the Whole.

By the bill, all rights and title of the United States to the middle ground or island in the Saginaw River, lying within the prescribed limits of fractional section 5, in township 13 north, of range 5 east, and sections 29 and 32, in township 14 north, of range 5 east, in the State of Michigan, are relinquished to the riparian owners respectively of the lands on the shores of the river in front of or opposite to that island. The act is not to be construed or held to imply a claim of title on the part of the United States to the middle ground, but only as a relinquishment of any apparent right therein to the persons respectively to whom the lands on the shores were patented, their heirs and assigns.

The Committee on Public Lands proposed to amend the bill by inserting after the word "island," in line 10, the words "saving and reserving to all persons or parties other than the United States any legal rights acquired therein."

Mr. THURMAN. Is there a report in that case?

Mr. SPRAGUE. There is a letter from the Commissioner of the General Land Office explaining the whole subject.

Mr. THURMAN. I should like to have some explanation of what this bill means.

Mr. SPRAGUE. The letter is more concise than I could explain it. The Chief Clerk read the following letter:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., February 20, 1874.

SIR: I have the honor to return herewith the papers filed by you 7th instant respecting what is known as the "middle ground" in Saginaw River, Michigan, together with a copy of a letter to this office, dated 6th ultimo, from P. C. Andre, esq., of Saginaw.

This middle ground appears to have been, at the date of the public surveys, a part of the bed of the river, covered by its waters. No public survey of it was attempted, and no island is reported in the stream at this point.

In March, 1856, a survey was made upon the ice by the county surveyor, who certifies that no survey could be accomplished in any other manner, the grounds being so constantly under water as to render it impracticable to make the attempt.

This survey was filed in this office, but was not considered as entitled to approval as a survey of public lands, and was not so approved.

Congress, however, on the 15th July, 1870, evidently without an examination of the questions involved, passed joint resolution No. 140, directing the issue of patent to Stephen Marston for a portion of said grounds, described by metes and bounds, upon payment by him of the sum of \$100.

The Commissioner, my predecessor in office, for the purpose of carrying the law into effect, on the 10th August, 1870, indorsed on the said plat of survey his qualified



approval, as *ex officio* surveyor-general of Michigan, and subsequently issued the patent accordingly.

Understanding that you wish my opinion upon the question of the power of Congress to dispose of this ground as public land, I have examined the facts as above recited, and would state that I do not regard it as in any sense public land the property of the United States, but consider it properly within the jurisdiction of the State of Michigan, and subject to her laws.

The rights of the owners of the shore having been also called to my attention, I will give you a few authorities, decisions of the Federal courts, which seem to have direct application to this case, and will indicate the United States law upon both points.

Rivers are deemed navigable waters of the United States when they are used or are suitable of being used, in their ordinary condition, as highways for commerce, between the States. (The Daniel Ball, 10 Wallace, 557; The Montello, 11 Wallace, 411.)

Under the acts of Congress relating to the survey and sale of public lands bordering on rivers, the right of a grantee of lands bordering on a navigable river stops at the stream, and does not extend to the *medium flum*. But such riparian proprietors have the same rights to construct suitable landings and wharves for the convenience of commerce and navigation as riparian owners on navigable waters affected by the ebb and flow of the tide. (Railroad Company *vs.* Schurmeir, 7 Wallace 272.)

The owner of land bounded by a navigable river (whether his title extend to the middle of the stream or not) has a right of free access thereto, and of erecting a landing, wharf, or pier for his own use or that of the public. These rights are to be enjoyed subject to such general rules as the Legislature may prescribe for the protection of the public rights; they cannot be taken for public use except due compensation be made. (Yates *vs.* Milwaukee, 10 Wallace, 497.)

At the Revolution the people of each State, in their sovereign character, acquired the absolute right to all navigable waters and the soil under them. (Martin *vs.* Waddell, 16 Peters, 307; Russell *vs.* Jersey Company, 15 Howard, 423.)

The shores of navigable rivers and the soil under them were not granted by the Constitution to the United States, but were reserved to the States respectively; and new States have the same rights, sovereignty, and jurisdiction over this subject as the original ones. (Pollard *vs.* Hagan, 3 Howard, 212; Pollard *vs.* Kibbe, 9 Howard, 471; Hallet *vs.* Beebe, 13 Howard, 25; Withers *vs.* Buckley, 29 Howard, 84.)

The foregoing will be sufficient to show that, if this ground was of the bed of the stream on the admission of the State, she has sovereignty over it, and the laws for the disposal of the public domain can have no application to it subsequently.

Very respectfully,

WILLIS DRUMMOND,  
Commissioner.

Hon. HESTER CLYMER,  
House of Representatives.

The amendment was agreed to.

The next amendment was to add to the bill the following:

And provided further, That nothing contained in this act shall be construed to affect in any manner the rights of Stephen Marston, one of the proprietors and occupants of said middle ground.

Mr. THURMAN. I only ask the chairman of the committee what is the necessity for any such act as this? If the riparian proprietors have the right to that land, if it is vested in them already, if it is not public land of the United States at all, as the letter would seem to indicate, what is the necessity of passing any bill like that before us?

Mr. SPRAGUE. I would observe to the Senator that this is land that has grown up in the last eight or ten years, a deposit at the mouth of the Saginaw River. It has been occupied by the owners adjacent to the banks of the river, each party dividing the island between them, upon which they have erected saw-mills. The object of this bill is to alienate any right that the United States may have in it with a view of preventing others hereafter from finding that by some decision of the courts the title may not rest in the riparian owners. It is simply to quiet title. The land is of no value to the United States, but of very great importance to the people who are erecting buildings and doing business there.

Mr. THURMAN. I understand that this is accretion. Ever since the decision in the case from the city of Mobile, it has been held that accretions belong to the riparian proprietors.

Mr. SPRAGUE. So the cases cited in the letter say.

Mr. THURMAN. Therefore I cannot imagine that it is necessary to pass an act of Congress to reaffirm what has been held by every court that ever pronounced a decision on the question.

Mr. SPRAGUE. I do not know that it is essential to pass a bill; but it is to quiet the title. In reporting the bill the committee took care to guard all rights that may be involved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### APPROPRIATIONS FOR PUBLIC BUILDINGS.

Mr. WEST. I rise to morning business.

Mr. MORRILL, of Vermont. I hope the Senator from Louisiana will allow me to pass a public bill that interests a dozen different States.

Mr. WEST. I will wait a moment.

Mr. MORRILL, of Vermont. I move to take up House bill No. 2653. This is a public bill and not one of a private nature.

Mr. SPRAGUE. I move that all prior orders be dispensed with for the purpose of considering House bill No. 1760.

The PRESIDENT *pro tempore*. The Senator from Louisiana rises with morning business, which is in the nature of an objection to the bills of the Senator from Rhode Island who gave the Senator from Louisiana the floor.

Mr. WEST. I withdraw the request.

The PRESIDENT *pro tempore*. The Senator then yielded to the Senator from Vermont, who made a motion. The Chair will submit

to the Senate the question on the motion of the Senator from Vermont.

Mr. MORRILL, of Vermont. This is a bill in relation to public buildings in at least a dozen or fifteen different States—Ohio, Indiana, Kentucky, Nebraska, New York, New Jersey, and so on. It has passed the House and it ought to pass the Senate. I am not interested in it in the least; but it is a matter of a public nature, and I hope it will be allowed to pass.

The PRESIDENT *pro tempore*. The bill referred to by the Senator from Vermont might be passed in three minutes, the Chair thinks, if the Senator from Rhode Island would give way.

Mr. MORRILL, of Vermont. Although the Committee on Public Buildings and Grounds have a half-dozen measures that they desire acted on after this, this is the only bill I desire to press now.

Mr. SPRAGUE. I desire to read to the Senate the bill I propose to consider. It is a bill to secure homesteads—

The PRESIDENT *pro tempore*. The Chair thinks that is out of order. The Chair will hear the Senator in regard to taking up the bill offered by the Senator from Vermont; but the merits of another bill are not a subject of discussion. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings was considered as in Committee of the Whole.

The first section authorizes the Secretary of the Treasury to defer operations on any public buildings that are authorized by existing laws but not actually commenced, or to proceed with the same as may in his opinion be for the best interests of the public service. All moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, are to remain available until the completion of the work for which they are, or may be, appropriated; and upon the final completion of each or any of the buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining are to be immediately covered into the Treasury.

Section 2 provides that in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and it is to be the duty of the Secretary of the Treasury to set aside any selection which, in his opinion, has not been made solely with reference thereto. No expenditure is to be made upon any building, a site for which has been selected, and work upon which has not been commenced, until such of the persons who acted as commissioners in selecting the site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of the site, directly or indirectly interested in the property selected for the same; and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void.

Mr. SHERMAN. There are several provisions in that bill which I should like to have considered. Does it continue in the Treasury for all time to come appropriations made but not expended for public buildings?

Mr. MORRILL, of Vermont. It authorizes the Secretary of the Treasury to suspend such as in his judgment it is most expedient to suspend for the present year; but all appropriations for about a dozen or fifteen public buildings made last year and the year before will expire on the 30th of June, and all this ground that has been passed over for the past year or two will have to be gone over again. The bill merely continues them until the buildings for which the money has been appropriated shall be constructed. For instance, there is one at Dover, Delaware, for which an appropriation of \$40,000 was made. The appropriation will lapse on the 30th of June, and the amount is absolutely limited, it cannot be exceeded. The bill proposes to continue the appropriations in existence until these buildings are completed.

Mr. SHERMAN. The bill ought to be amended so that the appropriations may be continued for one fiscal year.

Mr. MORRILL, of Vermont. I hope there will be no amendment. There is an amendment that I should like to have put in myself; but at this late period of the session it is deemed impossible by the Committee on Public Buildings and Grounds to get anything passed in the House on this subject unless this bill passes. I should be very glad to include one or two other amendments that have been recommended by the Committee on Public Buildings and Grounds, but we have thought it most expedient to withhold them from the bill and let it pass as it came from the House of Representatives.

Mr. SHERMAN. I certainly cannot allow this bill to pass without a vote of the Senate on that question. We have decided by repeated votes that we will make our appropriations for specific purposes and for specific times. This bill proposes to continue indefinitely, it may be for twenty years, an appropriation now made for public buildings, and leaves it entirely discretionary with the Secretary of the Treasury. Under the peculiar circumstances by which we are surrounded, as some appropriations were made for public buildings that have not been commenced this year, I could see a reason for continuing those



appropriations for the next fiscal year. There is sufficient interest in this bill in the House to induce them to accept an amendment to allow the appropriation made for the last fiscal year to be continued for the next fiscal year. Beyond that I do not think we ought to go. The Senator from Vermont himself was as anxious to limit these indefinite appropriations as anybody else; and he ought not now. I think, to be willing to go back on that proposition merely because he desires to pass this bill.

Mr. MORRILL, of Vermont. It is known to all Senators that the appropriations for public buildings for the past year have been entirely suspended—not a dollar has been expended. Therefore the time has been lost; and in every one of these instances where we propose to continue the appropriations alive the amount is absolutely limited. Heretofore where a limitation has been applied to appropriations the provision has been that the balances at the end of two years shall go into the Treasury, and there has been an exception in relation to public buildings where the amount of the appropriation was limited by law. I see, therefore, no necessity for any amendment of this bill.

Mr. MORRILL, of Maine. I think this bill is obnoxious to the criticism made by the Senator from Ohio. It certainly is not in harmony with what we have been doing on this class of subjects. I will say to the Senator from Vermont that in the deficiency bill a general rule is made which will cover the Senator's object in reserving under certain limitations this class of appropriations. I would suggest that after the words "Treasury Department" in line 10, section 1, he strike out the words "or which may hereafter be appropriated for such buildings;" so that the bill will read:

That all moneys heretofore appropriated for the construction of public buildings, and now remaining to the credit of the same on the books of the Treasury Department, shall remain available, &c.

And then strike out after the word "available" the words "until the completion of the work for which they are or may be appropriated," and insert the words "for one year after the passage of this act." That will give all the amplitude that is necessary for the preservation of the appropriation, and then—

Mr. WEST. Make it read "until June 30, 1875."

Mr. MORRILL, of Maine. Very well; make it "for the next fiscal year." That will preserve all the rights contemplated by this bill and will bring all the appropriations before the committee at the next session. That certainly will not cripple the bill.

Mr. MORRILL, of Vermont. I trust that there will be no amendment adopted on this bill, but that it will pass as it is. If any amendment is offered there are one or two amendments that I should like to have made to secure the sites as well as the buildings; but I do say that in my judgment there is no necessity for covering into the Treasury an appropriation made for a public building where the amount has been estimated and it is provided by law that it shall not be exceeded. I see no necessity for it there. It is merely applying a rule that has no application in economy to a subject to which it does not pertain.

Mr. MORRILL, of Maine. I move to amend the bill by striking out in lines 10 and 11, of section 1, the words "or which may hereafter be appropriated for such buildings;" and also in lines 12 and 13 striking out "until the completion of the work for which they are or may be appropriated" and inserting "until the end of the ensuing fiscal year."

Mr. MORRILL, of Vermont. I hope that amendment will not be adopted; but if it should be, it will be seen that it confines it to one year, that is, one year from June 30, 1874, whereas all appropriations heretofore made have been allowed to run two years.

Mr. MORRILL, of Maine. I will say to the Senator that the object of this amendment is this: By the rule established in 1870 all appropriations of every description were to be covered into the Treasury at the end of two years—

Mr. MORRILL, of Vermont. But your amendment makes it one year for this class.

Mr. MORRILL, of Maine. Taken in connection with what I said before, this saves these appropriations for the next fiscal year. Now, by a provision on the deficiency bill it is provided that it shall be the duty of the Secretary of the Treasury at the commencement of each session of Congress to report to Congress specifically all balances of appropriations which are needed to be appropriated or to be provided for that they shall not lapse into the Treasury. In that way the Senator will see that the rule of 1870 may be observed, and Congress at each session have brought before it precisely the entire expenditures of the Government, none of these balances lying back, which have been a great source of trouble heretofore.

Mr. MORRILL, of Vermont. But my friend from Maine totally misapprehends the scope of this bill. These appropriations have been suspended for one year. It is proposed that the Secretary of the Treasury may suspend them for another; and now the Senator from Maine proposes that at the end of another year they shall all be covered into the Treasury.

Mr. MORRILL, of Maine. No; I do not. That is not the effect of the amendment. The effect of it is that these appropriations shall last one year, until the provision of the bill to which I have referred takes effect, when it is the duty of the Secretary of the Treasury to bring before Congress all balances which are likely to go into the Treasury without the intervention of Congress, to the end that they

may be preserved. In that way we can preserve the rule adopted by Congress in 1870, which was deemed so important, that there should be no balances lying back anywhere which Congress did not understand.

Mr. MORRILL, of Vermont. But the Senator from Maine will recollect that there was an exception made in favor of public buildings at that very time.

Mr. MORRILL, of Maine. We make that exception now in the bill to which I refer, but this bill is stronger than anything we have ever had. If any building has been inadvertently or injudiciously or thoughtlessly appropriated for, that sum of money would lie in the Treasury for an indefinite period of years—perpetually by this bill. That certainly is not a good thing to do. I am sure that this amendment would not embarrass the object which the Senator has in view, for I agree with him that the amounts appropriated for public buildings should be made available until the object is accomplished.

Mr. MORRILL, of Vermont. But the Senator will see at the close of the first section that after the completion of these buildings the balances are all to be immediately covered into the Treasury.

Mr. SHERMAN. I can give the Senator from Vermont an illustration of the operation of this bill. We passed for a number of years appropriations for the completion of the New Orleans custom-house. The officers did not use them. If this bill was the law in operation now, all the appropriations made twenty-five years ago for the construction of the New Orleans custom-house could now be expended at the pleasure of the Secretary of the Treasury. I doubt whether this bill ought to pass in any event; but without this modification, it certainly ought not to pass. It places in the power of the Secretary of the Treasury for years and years the whole mass of appropriations made a year ago for public buildings which by reason of our financial panic have not been expended. If this modification is adopted, those appropriations will stand precisely as if they were made now for the next fiscal year, subject to the general law and subject to the revision of the Committee on Appropriations. I do not see how there can be any objection to this amendment.

Mr. WEST. The title of this bill is "A bill to authorize the Secretary of the Treasury to suspend work upon the public buildings." Looking at the title alone, the presumption would be that the only action to be taken was to leave it to the discretion of the Secretary of the Treasury to suspend work on these buildings; but if you follow the bill through, you find that it interminably appropriates money for these works, whether the Secretary of the Treasury shall use it or not. Under the limitation proposed by the Senator from Maine it virtually and actually reappropriates the money that has hitherto been appropriated for these public buildings for the next fiscal year. Is it not all the indulgence the Senator from Vermont can ask when we remove the restrictions from the appropriations of last year and grant him a reappropriation of this money for the succeeding fiscal year? What will be the consequence? If we find under the report that will be made, according to the provision of the law which the Senator from Maine has cited, that this money is not used, we can at the next session of this Congress reappropriate that money. Most assuredly no Senator can ask more, when an appropriation has lapsed for a year, than that we should now reappropriate it. It seems to me the limitation proposed by the Senator from Maine is exceedingly judicious.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Maine.

The amendment was rejected—ayes 10, noes not counted.

The bill was ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF HOMESTEAD LAW.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of House bill No. 1760, to secure homesteads to actual settlers on the public domain.

Mr. HITCHCOCK. I hope that bill will not be attempted to be considered now. It cannot be disposed of in the morning hour.

Mr. SPRAGUE. It will take more than the morning hour.

Mr. HITCHCOCK. Then certainly we cannot consider that this morning.

Mr. SPRAGUE. We can continue after the morning hour.

Mr. HITCHCOCK. I object to its consideration this morning.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate.

Mr. RAMSEY. I desire to make a report.

The PRESIDENT *pro tempore*. That is morning business and is in the nature of an objection.

Mr. RAMSEY. I do not wish to interpose an objection to the bill of the Senator from Rhode Island.

The PRESIDENT *pro tempore*. Rising to make a report is an objection.

Mr. SPRAGUE. I hope the Senator will withdraw his objection for the purpose of proceeding with this bill.

Mr. RAMSEY. I will do so.

The PRESIDENT *pro tempore*. The bill will be reported.

The Chief Clerk read the bill.

Mr. SPRAGUE. This bill is the result of the experience of the Land Office and the experience of gentlemen connected with the land States and Territories.

Mr. WEST. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the post-office appropriation bill.

Mr. RAMSEY. There are a number of reports to be made. I hope reports will be allowed to be received.

Mr. SPRAGUE. I move that the unfinished business be laid aside to continue the consideration of the bill that has just been read.

Mr. WEST. I trust the Senate will understand that if that action is taken it lays aside the post-office appropriation bill without any opportunity to get it up.

Mr. MORRILL, of Maine. The Senate understand it.

The motion was not agreed to; there being on a division—ayes 14, noes 25.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive strictly morning business.

#### PETITIONS AND MEMORIALS.

Mr. CONKLING presented the memorial of Messrs. Norton, Slaughter & Co., Woodward & Stillman, and many others, in all 130 other leading cotton merchants of the city of New York; the memorial of G. W. Norton & Co., F. G. Robbins, and 17 other merchants of Louisville, Kentucky; the memorial of the National Bank of Commerce, Edward L. Baker, and several other banks and bankers of New Bedford, Massachusetts; and the memorial of the Mutual Life Insurance Company, the Equitable Life Insurance Company, the Hanover Fire Insurance Company, the Long Island Fire Insurance Company, and 25 other insurance companies of New York, protesting against a tax on sales of stocks, coin, bonds, and other securities; which were referred to the Committee on Finance.

Mr. CONKLING. I present also the memorial of E. S. Jaffray & Co., remonstrating against the proposed Senate bill which has been substantially agreed upon in the conference committee, amendatory of the bankrupt law. I move that it lie on the table.

The motion was agreed to.

Mr. ALCORN presented the petition of William G. Ford, of Memphis, Tennessee, praying compensation for fifty-seven bales of cotton taken by the United States troops and other agents of the Government at Clifton, Alabama, in May, 1865; which was referred to the Committee on Military Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had passed the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia River, or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 3678) for the relief of savings institutions having no capital stock and doing business solely for the benefit of depositors; in which it requested the concurrence of the Senate.

#### PAPERS WITHDRAWN.

On motion of Mr. MCCREERY, it was

Ordered, That E. B. Bontwell have leave to withdraw from the files of the Senate the papers filed in support of his claim.

#### REPORTS OF COMMITTEES.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3604) to establish certain post-routes, have instructed me to report it back with amendments; and if there is no objection it might as well be disposed of now, as the amendments are numerous and have to be engrossed.

Mr. SPENCER. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads to whom was referred the bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by the act of Congress approved June 30, 1870, a post-route, have instructed me to report it back without amendment, and ask for its present consideration.

Mr. WEST. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3414) to provide for the prepayment of postage on printed matter, and for other purposes, have instructed me to report it back without amendment, and to ask for its immediate consideration.

Mr. WEST. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RAMSEY. The same committee, to whom was referred the bill (S. No. 858) to provide for the prepayment of postage on printed matter, and for other purposes, it being on the same subject, have in-

structed me to report it back, and ask to be discharged from its further consideration.

The report was agreed to.

Mr. STEVENSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3652) providing for publication of the revised statutes of the United States, reported it with an amendment.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry, reported it without amendment.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 747) to facilitate and regulate commerce among the several States and with foreign nations, reported it with amendments.

Mr. SPENCER. I am directed by the Committee on Military Affairs to report the following resolution, and ask that it be referred to the Committee on Appropriations:

*Resolved by the Committee on Military Affairs, That an appropriation of \$10,000 is hereby recommended for the purpose of testing Mr. Lee's breech-loading gun under the direction of the Secretary of War.*

The resolution was referred to the Committee on Appropriations.

Mr. SPENCER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3673) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property, to report it back without amendment, to recommend its passage, and ask for its immediate consideration.

Mr. WEST. I shall have to object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALLISON. The Joint Select Committee to Investigate the Affairs of the District of Columbia have instructed me to make a written report, which is unanimous, and also to present a substitute for the bill (S. No. 913) for the government of the District of Columbia, and for other purposes, reported a few days ago. I move that the report and substitute be printed, and I give notice that I shall ask to take up the bill within a day or two.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 945) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 946) for the relief of the eastern band of North Carolina Cherokee Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 947) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs reservation in Arkansas; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 948) increasing the pension of H. Louise Gates; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 949) to pay certain persons and corporations for losses sustained by the so-called Saint Albans raid; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 950) to pay the First National Bank of Saint Albans, Vermont, for losses sustained by the so-called Saint Albans raid; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

#### VIENNA EXPOSITION REPORTS.

Mr. SARGENT. On Saturday last I offered a resolution instructing the Secretary of State to furnish a certain report of a commissioner to the Vienna exposition on metallurgy, and on the suggestion of the Senator from Vermont [Mr. EDMUNDS] that there were other reports on other branches of art exceedingly valuable to his constituents and others, I desire to modify the resolution and present it in this form:

*Resolved, That the Secretary of State be directed to communicate to the Senate all the reports of the commissioners to the Vienna exposition.*

The resolution was agreed to.

#### CONNECTIONS OF PACIFIC RAILROADS.

Mr. BOGY. I move that the regular business be postponed temporarily with a view to take up a House bill of very great importance, and which will consume I think very little time and meet with very little opposition. It is House bill No. 3573.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. Then the Chair will submit the question to the Senate on the motion of the Senator from Missouri.



Mr. FRELINGHUYSEN. I would inquire of the Senator from Missouri whether he proposes to amend the bill?

Mr. BOGY. No, sir; I propose to pass the bill as it came from the House without amendment.

Mr. FRELINGHUYSEN. The bill in that shape I think will certainly lead to some discussion.

Mr. BOGY. I do not think it will occupy much time. I ask for a vote of the Senate on taking it up.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to postpone the pending order and proceed to the consideration of the bill indicated by him.

Mr. CONKLING. May I inquire what the bill is?

The PRESIDENT *pro tempore*. The title will be reported.

The CHIEF CLERK. It is a bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

Mr. CONKLING. I shall vote for the motion of the Senator from Missouri, and I beg to say that that bill was reported from the Committee on the Judiciary, I believe unanimously, unless my friend from New Jersey dissented, which I think he did.

Mr. FRELINGHUYSEN. No; there were five in the committee, and three voted for it and two against it.

Mr. CONKLING. I may be wrong about it, but I understood there was no member of the committee except the Senator from New Jersey who opposed the bill, but I have no doubt my friend is right. I accept his correction, although my understanding was otherwise. I wish to say that this is a matter of grave importance and one upon which, if action is to be taken at all, no time ought to be lost. I think the case cries aloud for action of some sort. I refrain from at this moment saying what I think exactly right in regard to it; but a wrong is constantly occurring of dimensions sufficient to summon Congress to its feet, it seems to me. I cannot believe that much time will be engrossed with the bill. I rather think if it is taken up, if the Senator having in charge the appropriation bill would allow it to lie aside informally subject to his call, a very few minutes would dispose of this. I suggest to the Senator from Missouri to try if he cannot get such an arrangement, leaving it always subject to the Senator from Louisiana to demand the regular order if this bill takes too much time.

Mr. BOGY. I have no objection.

The PRESIDENT *pro tempore*. Is there objection to that arrangement?

Mr. WEST. I leave that to be decided by the Senate, because it must be apparent that that request will be followed by requests from all parts of the Chamber. I do not wish to object to this bill; I leave the Senate to decide whether they will lay aside the post-office appropriation bill informally or not.

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Louisiana that if the matter is submitted to the Senate the motion must be to postpone the appropriation bill, in which case, if the Senate so vote, his bill is postponed. If he consents to lay it aside informally, he can call it up at any moment.

Mr. CONKLING. In the other case, if the Senator from Louisiana were to give notice that he would not yield again but would in this case alone, that would free him from further annoyance. My impression is that a very short time will dispose of the bill; but if it does not, the Senator can demand the regular order after as many minutes as he thinks it is fair to allow.

Mr. WEST. It would be scarcely correct and fair to other Senators that I should make an exception in favor of one; but I am willing, if the Senate chooses to consider this bill, that the post-office bill shall be laid aside informally with the understanding that if this induces debate I shall call for the regular order.

The PRESIDENT *pro tempore*. The Chair has already informed the Senator that the vote if taken must be on postponing the appropriation bill. Laying it aside informally is by unanimous consent.

Mr. MORRILL, of Maine. I should like to inquire what the bill is?

The PRESIDENT *pro tempore*. The bill will be reported again by its title.

The Chief Clerk read the title of House bill No. 3573.

Mr. SARGENT. I think the matter had better be decided by a vote. I think we had better ascertain whether the Senate is disposed to go on with the appropriation bills now waiting, which the Committee on Appropriations are anxious to put through, or whether we shall lay them aside as we have now for the last eight or ten days without attention to them. If it is the deliberate wish of the Senate to postpone them to other business and miscellaneous business, then we shall understand it and can cease this constant effort to get them before the Senate. But as there are only four legislative days of the session left, it seems to me the part of wisdom for the Senate to pass the appropriation bills, and then if there is time for miscellaneous business, to attend to it.

I do not undervalue the importance of this bill. My impression is that it ought to pass; at any rate that there ought to be legislation on the subject; but that is true of a great many other bills which are before the Senate. The one which was up at the close of the morning hour ought to pass unquestionably; at any rate it ought to

be considered; but we must pass the appropriation bills in order to adjourn at the time fixed or else be called back. We have had for a day or two cool weather, but we are liable to-morrow to have another blast from hell such as we had last week, and then we shall regret it if we are compelled to sit here late at night enervated by the weather to dispose of business of importance, the appropriation bills untended to. I trust, therefore, the Senate will either proceed at once with the post-office appropriation bill, which is certain to excite a great deal of debate on the franking privilege and the various questions that it was reserved to discuss, or by a decisive vote say that they will not do anything of the kind.

Mr. SCHURZ. It has been already stated that this is a bill of very great importance to the people of the West; and I think if the bill had been taken up, less time would have been consumed by debate on the bill than now has been consumed by debate on the order of business. I appeal once more to the Senator from Louisiana to give way informally.

Mr. SHERMAN. I think with the Senator from New York and the Senator from Missouri that there ought to be a vote taken on the bill of the Senator from Missouri. It affects a great number of people. At the same time I am embarrassed because I do not like to vote to postpone the post-office appropriation bill.

Mr. CONKLING. I understood the Senator from Louisiana to say that he does not object to the appropriation bill being laid aside informally so as to take a vote on this bill.

Mr. SHERMAN. If that can be done, very well. There was a formal motion made to postpone the bill, and I was going to suggest it should be taken up after the post-office bill is disposed of.

Mr. MORRILL, of Maine. If it leads to debate, I for one do not consent that it shall be continued without a vote of the Senate. I know, if I know anything, that if we intend to adjourn on next Monday we have got to consider the appropriation bills when they are presented to you and the Committee on Appropriations are ready to go on with them. That is just as certain as anything in the future, and you cannot afford to delay us a day or an hour. Still if here is a bill ready to be voted upon, of course it is a proper thing for us to yield to that vote; but otherwise not.

The PRESIDENT *pro tempore*. Is there objection to postponing the regular order informally and taking up this bill subject to a call for the regular order?

Mr. TIPTON. In reply to the chairman of the Committee on Appropriations, I have to say that an amendment was moved to this bill yesterday, or the day before yesterday, and if that amendment is to be discussed, it will be discussed elaborately; it will be discussed by the hour, for it will involve all the past legislation in this country in regard to the Union Pacific Railroad as to what is its terminus, all the legislation of the State of Iowa in regard to her railroads terminating at the western boundary of the State, all the legislation of Congress recently in regard to bridges over the Missouri River. All those questions are connected with and combined in that amendment.

Mr. SCHURZ. I think it will not be improper for me to state that I have been privately informed that that amendment will not be pressed, but will be withdrawn.

Mr. ALLISON. I do not expect to press that amendment to this bill.

The PRESIDENT *pro tempore*. Is there objection to laying aside the pending order informally?

Mr. HITCHCOCK. I did not understand the remark of the Senator from Iowa in regard to his amendment pending on this bill. Does he propose to press his amendment?

Mr. ALLISON. I stated a moment ago that I did not expect to press the amendment which I proposed a day or two ago, because, as stated by the Senator from Nebraska, it is likely to lead to debate.

The PRESIDENT *pro tempore*. Is there objection to laying aside the pending order informally? The Chair hears none.

Mr. HITCHCOCK. Mr. President, there are—

The PRESIDENT *pro tempore*. Does the Senator object?

Mr. HITCHCOCK. I desire to make a statement. I suppose I have that privilege.

The PRESIDENT *pro tempore*. The Chair understands the question is debatable. If there is no objection, then it can be done.

Mr. HITCHCOCK. Then I object until I have the privilege of making a statement.

Mr. President, there are two bills pending before the Senate at the present time affecting this question. I should like to inquire of the honorable Senator who reported this bill what is his purpose, provided this bill is taken up, in regard to the Senate bill also reported by him?

Mr. CONKLING. If the Senator will allow me to answer him at this moment, I will state to him the posture of the case. A bill was introduced, a Senate bill, a long time ago, as sundry petitions were, calling attention to this matter. For reasons which I need not state, the absence of members of the committee and other things, weeks of delay, indeed months of delay, intervened in the committee. At length the committee reported the Senate bill with one or two slight amendments, which bill is a much more searching one than the House bill now before us. That report having been made, the House acted upon the subject. The House bill coming to the committee, although those interested in this legislation greatly preferred, as they said, the Senate bill and thought they were entitled to it, yet owing to the lateness

of the session, preferred to take the House bill only, and thereupon that bill was reported back by the Committee on the Judiciary. My understanding is that should that bill pass, the other bill will not be moved or heard from at all, the parties in interest, as I am informed by others, feeling that under the circumstances it will be idle for them to seek more ample legislation than is found in the provisions of the House bill.

Mr. HITCHCOCK. I presume that it will be proper, after the passage of this bill, should it pass without opposition, that the other should be indefinitely postponed.

Mr. CONKLING. It will not need to be indefinitely postponed, my friend will allow me to suggest. If he chooses to make that motion, I presume nobody will object to it; but inevitably it will fall with the session. If either of the Senators from Missouri has any purpose to take it up, he will avow it. I know of no such purpose, and I presume there is none.

Mr. SCHURZ. There is none.

Mr. HITCHCOCK. Then I withdraw my objection with the understanding that no such amendments are to be offered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,'" approved July 1, 1862.

The bill proposes to add to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,'" approved July 1, 1862," the following words:

And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding \$1,000, and may be imprisoned not less than six months. In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this act and the acts to which this act is amendatory, the party injured or the company aggrieved may bring an action in the district or circuit court of the United States in the Territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this act, a new cause of action shall arise; and in case of suit in any such Territory, district, or circuit, process may be served upon any agent of the defendant found in the Territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient; and it is hereby provided that, for all the purposes of said act, and of the acts amendatory thereof, the railway of the Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad, to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the act of March 3, 1869.

Mr. STEWART. I think this bill may be subject to misconstruction, and to guard against it I suggest an amendment, to insert after the word "months," in the twenty-fifth line, the following proviso:

*Provided, That due regard shall be had to grades and curves in fixing rates between given points.*

Mr. BOGY. When does the Senator propose to insert his amendment? What line and what page?

Mr. STEWART. I am not particular where it comes in; but I propose to insert it after the twenty-fifth line on page 2.

Mr. BOGY. I object to the amendment for the reason that if there be any remedy at all, the remedy is based on the law which gives existence to the Pacific Railroads, and they were to be run as a continuous road. Three branches are provided for, to come together at the one hundredth meridian of west longitude, and they were to be run as a continuous road without regard to grades or the expense of construction, because the subsidy both in bonds and in land was predicated upon the very difficulty of construction. That was taken into account.

This is not a contest between two railroad companies, as the impression appears to be, but it is a contest between the people of the Western States and these roads. The impression seems to prevail here among members of the body that this is a contest between the Union Pacific branch and the Kansas Pacific branch. In point of fact it is a contest between the people of the West and all these different branches that constitute the great road called the Pacific Railroad, both from Omaha via Ogden to San Francisco, as well as the Kansas City via Denver and Cheyenne to San Francisco.

For example, we in Missouri have built a railroad from the city of Saint Louis to connect with this road at Kansas City, at an expense of twenty-odd million dollars. We call it the Missouri Pacific Railroad, because it was intended to go by that route to the Pacific Ocean forming a connection with the roads created under the law of Congress. By a system of discrimination which has been established on

the main line called the Union Pacific, which is the line starting from Omaha on the way to San Francisco via Ogden, the Missouri Pacific Railroad has been rendered useless. A person in Saint Louis desiring to go to San Francisco is compelled to go by the way of Omaha. If he has any freight to send he is compelled to send it by the way of Omaha, although we have built the railroad from Saint Louis to Kansas City at an expense of twenty-odd million dollars.

The object of this bill is simply to compel these roads to observe the law of 1862, the law of 1864, and the law of 1866, by which they were to be operated as one continuous road; and as to the expense of operating a railroad on a higher grade, the question cannot arise because they received subsidies in proportion to the expense of constructing the roads. I state as a fact that cannot be denied that the grades upon the one road are as high as they are upon the other. In other words, the grades upon the Kansas Pacific Railroad are as high as they are upon the main branch called the Union Pacific Railroad. The difference would be very little; but upon those high grades of the Union Pacific Railroad \$48,000 in bonds per mile were paid by the Government of the United States and lands were granted in proportion. An amount of bonds was voted far exceeding the amount necessary for the construction of the road. It was specified in the law that the road should be run without reference to grade and without reference to expense, because that was obviated by the appropriation for building the road as one continuous line. Under that belief we in Missouri built what we called the Missouri Pacific Railroad at an enormous expense. The fifteenth section of the act creating the Pacific Railroad reads thus:

Mr. CONKLING. In the hope that my friend from Missouri will not misunderstand my motive, I venture to give him a caution about proceeding to discuss the merits of this matter, clearly as he is stating them, and for two reasons: In the first place here sits the Senator from Louisiana, [Mr. WEST,] likely at any moment to demand the regular order. In the next place there is one simple answer I conceive to the amendment of the Senator from Nevada, and if my friend will allow me, it is this: The bill repeats in terms the section of the statute which it is insisted has been violated and gives in court a legal remedy to test the construction of that statute and ascertain whether it has been violated or not. Therefore it is not meet, it seems to me, that we should attempt to construe the section one way or the other. We take these parties over to court. That I think the Senator from Missouri will find an adequate answer to the Senator from Nevada; and although I listen to him with great pleasure in the interest of the bill in which he feels so much interest, I caution him that he may bring on a debate in the midst of which he will be caught.

Mr. BOGY. I will then say nothing further, but hope the amendment will be voted down.

Mr. FRELINGHUYSEN. Mr. President—

Mr. STEWART. Perhaps I can shorten this debate if the Senator will allow me a moment.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) Does the Senator from New Jersey yield to the Senator from Nevada?

Mr. FRELINGHUYSEN. I will yield.

Mr. STEWART. The Senator from New York suggests that the identical language is used in this bill that was used in the old act. If it should be the construction of that language, which I doubt, that there should be no allowance made in estimating distances and estimating rates on account of grades and curves—

Mr. CONKLING. Let the court decide that.

Mr. STEWART. I say if that was the original construction of it I do not wish to change it. But as members of the committee assure me that they have used the exact language of the other act, I will withdraw my amendment. I think in coming to an equitable *pro rata* they should take into account the grades; but inasmuch as I am assured, and I believe that to be the fact, that the language of the original act is pursued in this bill and that the question is to be left to the courts, I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Nevada withdraws his amendment.

Mr. FRELINGHUYSEN. I do not wish to say one word to delay the passage of this bill or to make any factious opposition to it. I am perfectly willing that this question should go to the courts. There is where it ought to go. The construction of the law regulating these different roads in the Judiciary Committee found various interpretations. We did not agree as to what that law meant. My objection to the bill now pending is that it does not refer it to the courts to determine, but it provides that any agent or officer who does not fulfill this statute shall be treated as a criminal; that it shall be a misdemeanor and that he shall be imprisoned, and that the company shall be liable to triple damages, and that bringing one suit shall be no objection to bringing further suits.

I do not see how any legislative body in the world can pass a law, referring a subject to a court upon which they cannot agree as to the meaning, and say that every officer shall be treated as a criminal and imprisoned if he does not obey the law, when we do not know what it means ourselves, and that he shall be subject to triple damages, and that suits may be multiplied *ad infinitum*. I propose to strike out those provisions of the bill which make it a criminal offense for any officer not to obey the law, the meaning of which we do not know ourselves, and leave it to the courts to adjudicate this question. I consequently move to strike out from the word "shall," in the



twenty-first line, to the word "months" in the twenty-fifth line, inclusive, the words to be stricken out being:

Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000, and may be imprisoned not less than six months.

It does not even leave it discretionary to the court. It requires every officer and every agent connected under it to be imprisoned, and they must be imprisoned for not less than six months.

Then in the thirty-fifth line I shall move to strike out the word "treble;" and I shall also move, beginning in the thirty-sixth line, to strike out:

And for each and every violation of or failure to comply with the requirements of this act a new cause of action shall arise.

The bill thus amended will leave the subject to the courts. It will enable the proper court in a civil suit to give damages; but the amendments take away from the bill this odious criminal feature, making every agent and officer of the company liable to indictment, on which the punishment shall not be less than six months' imprisonment.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from New Jersey. It will be reported.

The CHIEF CLERK. The first amendment is to strike out the words—

Shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding \$1,000, and may be imprisoned not less than six months.

Mr. SCHURZ. I wish the Clerk would read how the whole sentence will stand without those words:

The Chief Clerk read as follows:

And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies.

Mr. SCHURZ. The sentence is incomplete.

Mr. FRELINGHUYSEN. "Shall be subject to a civil action" is the amendment which I shall offer afterward.

Mr. CONKLING. I venture to say a single word. First, any amendment to this bill is probably fatal to it; it will be too late to carry it through the other House and command assent to it. In the second place, there is, I conceive, no hardship in the language the Senator proposes to strike out: "He shall be fined in any sum not exceeding \$1,000 and may be imprisoned not less than six months." Of course in case of great aggravation and willfulness a court might be provoked or summoned to impose imprisonment; but everybody will see that this provides fairly for the imposition of a fine. What is the effect? Some officer is proceeded against; the road defends him, which is stereotyped. A conductor expels a passenger from a train; the passenger sues the conductor; the road defends him and goes to the end of the law to settle the law on that subject. That is what will occur here; and the practice is one so familiar in my own State, occurring so continually in order to settle the construction of railroad laws and railroad powers, that I cannot conceive there is any hardship in regard to it, whereas if it is stricken out the bill must be remodeled, and I think there can be little doubt that it will fail for lack of time between the two Houses.

Mr. FRELINGHUYSEN. I do not think that any one ever saw a law drawn as this is, for the purpose of submitting a legal question to a court, making every officer and agent subject to a criminal proceeding, making the company liable to triple damages, and expressly providing that for each and every violation or failure to comply with the requirements of this act a new cause of action shall arise. In other words, while this question is pending, being an important suit giving construction to a statute involving \$100,000,000, and it will take probably eighteen months before that question can be fairly determined, going through the courts, through all that period every day and day after day, the company that does not give construction, which we cannot give, to a statute is making itself liable to triple damages, as provided by this act.

As to the bill getting through, I say this bill ought not to be able to get through the Senate with that provision in; and if that provision is stricken out, nobody will oppose concurrence in the other House. It is a proper subject for judicial determination.

Mr. BOGY. One word. Unless there be something of this kind, the Union Pacific and Kansas Pacific Railroads will not respect each other's rights. It is with a view of compelling them. If the law is not in favor of the bill, there can be no danger; but if they have violated the law and thereby made enormous sums of money, there is no reason why they should not be compelled to pay heavy damages. The object of it is to compel them to obey the law which they will not do otherwise. I hope the amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment. The amendment was rejected.

The PRESIDING OFFICER. The Clerk will report the next amendment of the Senator from New Jersey if the Senator from New Jersey insists on the other amendments.

Mr. FRELINGHUYSEN. No, sir; the other amendments were dependent on this.

Mr. TIPTON. I ask the attention of members of the Committee on Railroads to an amendment to come in at the end of the bill which I offer:

And the said Denver Pacific Railroad shall extend to the Union Pacific Railroad such equal advantages and facilities as to rates, time, or transportation as are established by this act between the Union Pacific and Kansas Pacific Railroads.

Mr. BOGY. I will say to the Senator from Nebraska that that is the law now beyond any doubt. The road from Denver to Cheyenne was built under a law which puts it exactly under the provision of the law for building the Pacific Railroad, and the passage of this bill would include in substance the amendment of the Senator from Nebraska. There can be no doubt about it.

Mr. TIPTON. When the Denver Pacific was made a part of the Kansas Pacific it was specifically provided by the act:

And nothing shall authorize the said Eastern Division Company to operate the road or fix the rate of tariff.

And since these roads have been running in conjunction the rates have been so grievous upon the Denver Pacific as to cut off Omaha and the shipping towns on the Union Pacific from access to the city of Denver. But if this bill, as now drawn, will give the Union Pacific the same advantages in running over the Denver Pacific that are extended to the Union Pacific and reciprocated by the Kansas Pacific, then I have no objection; but I have objections until that is understood.

Mr. BOGY. I will read to the Senator the law authorizing the building of the railroad from Denver to Cheyenne. It says in section 2:

All the provisions of laws for the operation of the Union Pacific Railroad, its branches and connections, as a continuous line, without discrimination, shall apply the same as if the road from Denver to Cheyenne had been constructed by the said Union Pacific Railway Company, Eastern Division.

It is the same law, and the bill would have the same effect upon the link from Cheyenne to Denver that it has upon the rest of the railroad. The act of 1869 provides for that.

Mr. TIPTON. Then I ask the Senator from Missouri, will this act have a tendency to repeal the last clause in the second section of the act, on page 324 of volume 15 of the Statutes at Large, which authorizes the purchase and control of that road by the Kansas Pacific, but which provided that the Kansas Pacific should have no power over its rates.

Mr. BOGY. No power over the freights of the Denver Railroad except between Cheyenne and Denver.

Mr. TIPTON. It reads:

But nothing herein shall authorize the said Eastern Division Company to operate the road and fix the rates of tariff for the Denver Pacific Railway and Telegraph Company.

If that is to be repealed by the act about to be passed this morning, I have no objection; but if that stands in force, we have no more access to the city of Denver with our commerce under this than we have previously had.

Mr. SCHURZ. I desire to address one remark to the Senator from Nebraska. It is the object of this act to enforce the act of Congress which makes all the Pacific Railroad branches one connected and continuous line; and of course this act will have the effect on the Denver road which it will have on the Union Pacific road; that is to say, to prorate rates of freight all over these roads. Of course the Denver road cannot be excluded. Under the very act which is here appealed to, the Senator will find his remedy.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The amendment was rejected.

Mr. FRELINGHUYSEN. I was under the impression that the amendment in the thirty-fourth and thirty-fifth lines was dependent upon the other amendment which, perhaps intentionally or perhaps not, was voted down by the Senate. I will renew the amendment to strike out the word "treble" in the thirty-fourth line and "treble" in the thirty-fifth line. The idea when we are passing a law in order to get an adjudication of a difficult question of making parties liable to treble damages for not obeying a law the meaning of which we do not know ourselves, seems to me the height of injustice.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

Mr. CONKLING. What the Senator proposes to strike out now is very mild, I submit. The bill provides that upon recovery the plaintiff shall be entitled to judgment for treble what? Treble the amount of excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal. The Senator must see that in any event the damages are very minute, excess of freights and fares, and such damages might be from not having their officers there prepared to take the freight and it not being delivered to them.

Mr. FRELINGHUYSEN. That is most astonishing. We are told that such an outrage is being effected by reason of the Union Pacific not affording the facilities it ought to other roads that are being ruined and that that is the damage that is done; and now this act which proposes to treble that is a minute, insignificant affair.

Mr. CONKLING. This act which proposes as to a single transac-

tion to treble it, as my friend from California [Mr. HAGER] remarks to me, involves an amount in each case which probably would not be equal to the costs of the action.

Mr. FRELINGHUYSEN. The bill covers the whole amount of damages.

Mr. CONKLING. All the actions may amount to a large amount if people sue every day in the year.

Mr. FRELINGHUYSEN. Very well; provision is made expressly in this bill for suing every day in the year.

Mr. CONKLING. If they are wrong in the law, they will fail in the end.

Mr. FRELINGHUYSEN. Provision is made in this act for suing every day in the year for each and every failure to comply with the provisions of this act, when a new cause of action shall arise. So it makes it a criminal offense with treble damages, with repeated suits if they do not obey a law which the Congress of the United States cannot tell them to-day what it means, and hence the necessity of going to the courts.

Mr. CONKLING. A very mild way of testing the question.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WEST. Mr. President—

Mr. HITCHCOCK. I hope the Senator will allow me to move for the indefinite postponement of another bill in regard to this same matter.

Mr. WEST. Any bill is sufficiently indefinitely postponed now by the disability of a Senator to get the floor to move to take it up.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. WEST. I decline to yield.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; and

A bill (H. R. No. 3679) defining the qualifications of territorial Delegates in the House of Representatives.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 15th instant approved the act (S. No. 419) for the relief of Sebastian Reichert.

The message also announced that the President had this day approved and signed the following acts:

An act (S. No. 529) to authorize an appointment in the Inspector-General's Department;

An act (S. No. 693) to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin at Oshkosh;

An act (S. No. 793) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Spear to that of Santa Rosa;

An act (S. No. 142) for the relief of Nathaniel McKay, assignee of the builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks; and

An act (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada.

#### HARRODSBURGH SPRINGS PROPERTY.

Mr. McCREERY. May I ask the indulgence of the Senator from Louisiana, and of the Senate also, for the consideration of a bill that I promise shall not occupy five minutes, and which the Secretary of War recommends? It is for the sale of the Harrodsburgh Springs property, belonging to the Government, in Kentucky.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. WEST. I am somewhat compromised in my position on this subject by having stated to the Senator from Kentucky that inasmuch as the governor of the State was here and had come here for the purpose of securing the passage of this bill I would yield to him; but that opportunity of yielding to him was taken away by the superior vigilance of the Senator from Missouri. With that explanation, if the vote can be immediately had on the bill, I shall yield.

Mr. McCREERY. The vote will be taken at once.

By unanimous consent, the bill (H. R. No. 3372) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property, was considered as in Committee of the Whole.

The bill authorizes the board of commissioners of the Soldiers' Home to sell to the board of trustees of the Widows' Home and Orphans' University of the Independent Order of Odd-Fellows the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as the Harrodsburgh Springs property, upon such terms and such valuation as may be approved by the Secretary of War.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### HOUSE BILL REFERRED.

The bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, was read twice by its title, and referred to the Committee on Appropriations.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. DENNIS, Mr. HAMILTON of Maryland, Mr. BOUTWELL, and Mr. WINDOM submitted amendments intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. MITCHELL, Mr. SCOTT, Mr. PATTERSON, and Mr. BOUTWELL submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. STOCKTON and Mr. SARGENT, from the Committee on Naval Affairs, submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries; and

A bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

Mr. WEST. In presenting the customary bill for an annual appropriation for the continuance of the post-office machinery for the ensuing year, I shall only detain the Senate at the outset with a brief statement, and that statement will have more reference to the financial management of the Post-Office Department than to any other matter.

I will state in general terms that the amount appropriated last year for the maintenance of the postal service throughout the country was \$34,419,067. That amount comprised as well the total sum appropriated by the postal service bill itself as the amount of \$1,865,900 appropriated for the postal service of the different Departments of the Government. This year the total appropriation by this bill and by other bills providing for the furnishing of stamps to the different Departments amounts to \$36,341,091; an excess over last year of \$1,922,024.

In explaining this increased appropriation, I must refer to the customary and usual increase of the service of the Department throughout the country annually. But in noticing that particular increase it is gratifying to be able to state that although the increase of the service is of a certain proportion, the proportion of expense results favorably toward the economy of the Government. That is to say, although the general service is increased throughout the country from 7 to 8 per cent., the increased expenditure is only 5½ per cent. and the increased percentage of deficiency, which is the measure of the economy of the Department, is 1½ per cent. The percentage of deficiency to the total amount appropriated for the fiscal year now about terminating was 15.68 per cent. This year there has been a very small reduction in that respect, and the percentage is 15.13 per cent., or a little more than a half per cent. less than it was last year.

As we shall proceed in the consideration of this bill matters will be developed with reference to legislation that is required, and also there will probably be some discussion and inquiry in reference to such advantages as are alleged to have arisen from the repeal of the franking privilege. The order of business that now controls the Senate excludes the post-office appropriation bill and does not make it amenable to the general rule applied to appropriation bills; but I offer the following resolution for the conduct of this bill during its consideration by the Senate:

*Resolved.* That pending the post-office appropriation bill, it shall be in order at any time to move a recess, and to move to confine debate on amendments thereto to ten minutes by any Senator on the pending motion; and such motion shall be decided without debate.

Mr. BAYARD. I do not desire to oppose a measure intended to facilitate business at this stage of the session; but it was quite impossible, at least for me, to understand the full scope of the resolution by merely hearing it read, and I would like an opportunity to scrutinize the proposition, and so I ask that it be called up again in the course of the day. I ask the mover of the resolution to let it lie on the table for the present, and he can call it up when he desires.



Mr. WEST. I am quite willing to accept the suggestion.

The PRESIDING OFFICER. The resolution will lie over for the present.

Mr. WEST. Now let the Clerk commence the reading of the bill.

Mr. ANTHONY. Before the reading of the bill is commenced I should like, with the assent of the Senator who has charge of the bill, to offer a resolution in which I think he has as much interest as I have, and which I have delayed for a long time hoping that some disposition might be made of the general subject to which this resolution belongs. It is a resolution reported from the Committee on Printing to print five thousand extra copies of the report and appendix thereto of the Select Committee on Transportation Routes to the Sea-board.

The PRESIDING OFFICER. Does the Senator from Louisiana yield for that purpose?

Mr. WEST. I will yield for a vote on the resolution, and that is all.

Mr. SHERMAN. Cannot that be provided for in an amendment to be offered to this bill? Had not the Senator better withdraw it now?

Mr. ANTHONY. That will not cover this case.

Mr. SHERMAN. There are amendments to be proposed which will cover all documents.

Mr. WEST. I ask the Clerk to proceed.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill.

The PRESIDING OFFICER. Will the Senator having the bill in charge indicate the course he desires pursued in regard to any of the amendments reported by the Committee on Appropriations?

Mr. SHERMAN. I should like to have the first amendment passed over until the end, because it raises a question that more properly belongs at the end.

Mr. WEST. In this instance I of course will pass over that amendment at the request of the Senator, but I ask the Chair to direct that the amendments reported by the Committee on Appropriations shall be considered as the bill is read.

The PRESIDING OFFICER. That order will be made if there be no objection.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in section 1, line 10, to add the following proviso to the clause appropriating \$16,400,000 for inland-mail transportation:

*Provided*, That postages shall hereafter be prepaid on all mailable matter at the time of mailing; and all acts inconsistent herewith are hereby repealed.

Mr. WEST. Let the first amendment be passed over.

The PRESIDING OFFICER. It will be passed over.

Mr. WEST. The Senator from Delaware, as I am apprised, having withdrawn his objection to the adoption of the resolution offered by me, I ask that it be adopted.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution proposed by the Senator from Louisiana? The Chair hears none, and the question is on the resolution.

The resolution was agreed to.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 39 of section 1, in the proviso to the clause for pay of letter-carriers, to strike out the word "twenty" and to insert "thirty;" so as to make the proviso read:

*Provided*, That hereafter letter-carriers shall not be employed for the free delivery of mail matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than thirty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.

The amendment was agreed to.

The next amendment was to add after line 41—

And for the more efficient management of the free-delivery system the Postmaster-General may designate one of the present fourth-class clerks to act as superintendent of free delivery in the Post-Office Department at an annual salary of \$2,500; which amount of salary is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WEST. I desire to perfect that amendment. The committee discovering that \$1,800 is already provided for this party, the necessary sum to appropriate here is only \$700. I move to amend the amendment by striking out, on line 46, "which amount of salary" and inserting the words "and for this purpose the sum of \$700."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. SARGENT. I suggest to my friend whether instead of saying "one of the present fourth-class clerks" it would not be better to say "a fourth-class clerk," because otherwise the law would exhaust itself by the retiring of all the present fourth-class clerks in the Post-Office Department. The meaning of the committee would be exactly carried out by the amendment I have suggested.

Mr. WEST. I have no objection.

The PRESIDING OFFICER. That amendment will be made if there be no objection.

Mr. WEST. Striking out "one of the present" and putting in the article "a," and changing "clerks" to "clerk."

The PRESIDING OFFICER. That modification will be made.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 55, after the word "those," to insert the words "running out of the District of Columbia," and to insert in lieu thereof the words "in Virginia and Maryland;" so as to read:

For advertising, \$80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

The amendment was agreed to.

Mr. WEST. There is a verbal correction I wish to make on line 64, striking out the first two words "and no" and substituting therefor "nor any," in order to make it grammatical.

The PRESIDING OFFICER. That amendment will be agreed to if there be no objection.

The Chief Clerk continued the reading of the bill.

The next amendment was in lines 102, 103, and 104, to strike out the following proviso:

*Provided*, That the monthly and annual reports of the Department of Agriculture shall pass free through the mails.

The amendment was agreed to.

The Chief Clerk continued the reading of the first and second sections of the bill.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 13 of section 2:

For the purchase of law-books for the library of the office of the Assistant Attorney-General for the Post-Office Department, \$2,000.

The amendment was agreed to.

The Chief Clerk continued and concluded the reading of the bill.

Mr. SHERMAN. Yesterday gave notice of an amendment to this bill which I now offer. I send it to the desk to be read. I will state that the proposition is intended also to supersede the amendment of the committee which has been passed over, and the Senator in charge of the bill kindly postponed a vote on it until this amendment shall be acted upon. After it is read I will explain very briefly its effect.

The Chief Clerk read the proposed amendment, to insert the following additional sections:

SEC. —. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, four cents for each pound or fraction thereof; *Provided*, That the rate of postage on newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each, but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

SEC. —. That upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

SEC. —. That newspapers, one copy to each actual subscriber residing within the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as now by law provided.

SEC. —. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

SEC. —. That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employé of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, or as an exchange, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employé of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding \$1,000 for each refusal; and if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act, or procure the same to be done, or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

SEC. —. That the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the said "act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

"SEC. 63. That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at \$5,000, shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are not more than \$4,000 nor less than \$3,000; the second class shall embrace all those whose annual salaries are less than \$3,000 but not less than \$2,000; the third class shall embrace all those whose annual salaries are less than \$2,000 but not less than \$1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than \$1,000."

"SEC. 60. That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department."

SEC. 81. That the compensation of the postmaster at New York City shall be \$6,000 per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or readjustment, by adding to the whole amount of box-rents, not exceeding \$2,000 per annum, commissions also not to exceed \$2,000 per annum on the other postal revenues of the office, at the following rates, namely: On the first \$100 per quarter 50 per cent. on all over \$100 and not over \$400 per quarter, 40 per cent. on all over \$400 and not over \$2,400 per quarter, 30 per cent. and on all over \$2,400 per quarter, 10 per cent. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That whenever, by reason of the extension of free delivery of letters, the box-rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box-rents.

SEC. 82. That the compensation of postmasters of the fourth class shall be the box-rents collected at their offices and commissions on other postal revenues of their offices at the rate of 50 per cent. on the first \$100 or less per quarter; 40 per cent. on the next \$300 or less per quarter; 30 per cent. on the excess above \$400 per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to \$1,000, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

SEC. 83. That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be readjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient.

SEC. 84. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That in cases of not less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of readjustment.

SEC. 85. That the Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

SEC. —. That section 240 of said act shall read as follows:

SEC. 240. That when the amount of mail matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter mail, or to increase the cost of carriage of the mail, the Postmaster-General shall provide for the separate carriage of the letter mail at the usual rate of speed; and when the cost of transmitting other mail matter than the letter mail is increased by being carried in postal cars, it shall be carried in other cars, but with due regard to expedition. And postal cars shall not be put on any routes, or the number be increased, except when the service of carrying the letter mail requires it.

Mr. RAMSEY. I desire to offer an amendment to come in at the conclusion of the Senator's amendment.

The PRESIDING OFFICER. The Clerk will report the amendment.

Mr. SHERMAN. I submit to the Senator, while his amendment meets my approval, whether he had not better offer his as an additional proposition.

The PRESIDING OFFICER. The Clerk will report the amendment of the Senator from Minnesota.

The Chief Clerk read the proposed amendment, as follows:

SEC. —. That section 245, section 246, section 247, section 251, and section 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1873, be amended to read as follows:

SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds \$5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route, to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted.

SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or both.

SEC. 251. That after any regular bidder, whose bid has been accepted, shall fail to enter into contract for the transportation of the mails according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid too high, in which case he shall readvertise such serv-

ice. And if any bidder, whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; but in case each and every of the next lowest bidders for such service, whose respective bids are not considered too high by the Postmaster-General, shall refuse to enter into contract and give bond as herein required for the faithful performance of his contract, the Postmaster-General shall immediately advertise for proposals to perform the service on said route. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until a letting under advertisement can take place: *Provided, however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding regular contract-term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same, or other contractors, shall be made by the Postmaster-General.

SEC. 253. That hereafter all bidders upon every mail-route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of \$5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and, in case of new or modified service, not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds \$5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders, making such deposits. No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed \$5,000, shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section: *Provided*, That nothing in this act shall be construed or intended to affect any penalties or forfeitures which have heretofore accrued under the provisions of the sections hereby amended.

Mr. SHERMAN. If I understand the Senator from Minnesota, this is simply a bill proposing to guard against straw bids.

Mr. RAMSEY. That is it. It is the House bill on that subject, substantially, with an amendment added by the Committee on Post-Offices and Post-Roads of the Senate.

Mr. SHERMAN. I have no objection to that amendment, the committee having examined it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota to the amendment of the Senator from Ohio.

The amendment to the amendment was agreed to.

Mr. SARGENT. I wish to move a further amendment. On page 3 of the amendment of the Senator from Ohio, in line 10, I move to strike out the words "or as an exchange."

Mr. SHERMAN. That is right.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be so modified.

Mr. SHERMAN. I should like the attention of the Senate for three minutes in regard to the amendment. I wish them to understand that it is an important amendment in its effect on the revenue.

The attention of the country has been called to the rapid increase of the deficiencies in the postal service. For the last month or two I have given the matter considerable attention for the purpose of providing a remedy, if possible. In doing this I have availed myself with great liberality of the work of the Post-Office Committee of the Senate, of the Post-Office Committee of the House, and also of the House of Representatives. The substance of the amendment I offer is two bills that came to us from the House of Representatives, which I understand have the approval of the Committee on Post-Offices and Post-Roads of this body.

Mr. RAMSEY. They have been reported by that committee.

Mr. SHERMAN. Therefore those features have had the sanction of the House of Representatives and of the Postal Committees of both bodies. I have looked at them simply in their financial aspect, to see whether or not they would improve the revenue.

The increase of the deficiency in the postal service is stated very strongly by the Postmaster-General in his annual report. Two years ago it was \$4,000,000; last year it was \$6,100,000; for the next fiscal year it is estimated to be \$8,150,000. The causes of this increase have been, first, the expense and the rapidity of the railroad service, which has been vastly improved; second, the increase of the pay of postmasters; third, free city delivery and loss of box-rents; fourth, the total inadequacy of newspaper postage. This amendment of mine deals mainly with the last item, the postage on newspapers. It is a remarkable fact that although of the postal matter of the country 89 per cent., or nearly nine-tenths, is in the form of newspapers and periodicals, yet the whole amount received by the Government of the United States for carrying all this vast volume of matter is only



\$835,727. Under the law all this matter is carried without being prepaid, as letters are required to be.

Mr. SHERMAN. Will the Senator state what proportion that bears to the whole postal revenue?

Mr. SHERMAN. It pays less than 3 per cent., or as 1 to 26. The revenue from newspapers and periodicals is only as 1 to 26 of the whole amount of revenue.

Mr. RAMSEY. Of the bulk of the mails 76 per cent. is matter of the second class.

Mr. SHERMAN. I again repeat, from the Postmaster-General's report and from the statement of Mr. DONNAN in the House, that the bulk of the printed matter carried through the mail is 89 per cent. of the whole mail matter, while the revenue is only about 4 per cent., or 1 to 26.

Besides, the postage on newspapers is not prepaid, and the Postmaster-General reports that according to the estimated revenue that ought to come from newspapers it ought to be \$2,704,000, while the actual amount received is only \$835,000, so that the amount lost by fraud and by the neglect of postmasters in making returns is \$1,869,000. It is not necessary to go any further to show the absolute necessity of changing this system.

This amendment now offered by me puts newspapers and periodicals on the same footing as all other mail matter; it requires the postage to be prepaid at a very low rate. The amount that will be paid on newspapers and periodicals will not be one-fourth of the cost of carrying that matter through the mails. In other words, the discrimination even by my amendment will be at least three-fourths to one in favor of the newspapers and other printed matter, but I suppose there is an object in permitting the general diffusion of printed matter through the mails, and therefore there has been no attempt to make the people pay the actual cost of carrying newspapers and periodicals. The rates proposed are, all over the United States, from New York to California, because we can make no discrimination on account of distance, on all printed matter in the form of newspapers and periodicals four cents per pound, which I am told on the largest paper printed in the United States, which weighs about two ounces, is about one-half a cent. That is all that is to be charged for carrying the largest paper in the United States from the extreme end of the country to the other, and on country papers, which are small, the charge will be very much less. The rate of four cents per pound will in all probability increase our revenues some three or four million dollars, and make the postage depend on the weight of the matter, and therefore be more equitable. Now a newspaper carried from one town to another within twenty miles, though printed on a little half-sheet, as many country papers are, pays the same rate of postage as the New York Independent, which weighs very heavy, when carried from New York city to Portland, Oregon. This is a gross and scandalous inequality about which the country press have complained.

Mr. JOHNSTON. I wish to ask the Senator a question. His amendment reads: "On newspapers and periodical publications, four cents for each pound or fraction thereof." If a newspaper weighs only one-fourth of an ounce, will it not have to pay four cents postage under that?

Mr. SHERMAN. No. The next clause provides for newspapers

where they go singly. That is all guarded against very carefully. The Senator will see that the provision is "that the rate of postage on newspapers or periodicals not exceeding two ounces in weight, and circulars," shall be so and so. That first clause only applies to newspapers and periodicals sent from the office where they are printed.

That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, the postage shall be charged at the following rates.

All other newspapers are carried as formerly. And the next section provides:

That upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk and postage paid thereon by a special adhesive stamp to be furnished by the Postmaster-General.

The details of this amendment are carefully prepared by the Committees of the two Houses, and have passed the House of Representatives already and have been reported favorably by the Post-Office Committee here. I have in offering this amendment raised somewhat the rate they proposed on newspapers.

Mr. JOHNSTON. I desire to call the Senator's attention to the third page of his amendment, line 18, where there is this provision:

And if any person shall knowingly and willfully mail any matter without the payment of postage, as provided by this act.

I suggest that he ought to insert there "with intent to defraud the United States."

Mr. SHERMAN. The words "knowingly and wilfully" in legal language are equivalent to those words. The usual language is that if a man knowingly and willfully does so and so, he shall be punished. Those are the legal words proper to be used. I will say also that that is the language of the present law, so that in that particular this amendment does not change the present law.

Mr. RAMSEY. The Senator might probably say to the Senate that although this proposition is substantially a bill which has passed the House of Representatives and has been considered by the Committee on Post-Offices and Post-Roads of the Senate, yet there are one or two important changes which he has made. For instance he proposes four cents per pound upon newspapers and periodicals, instead of one and a half cents a pound on all newspapers, and three cents a pound upon all ordinary periodicals as proposed by the House bill.

Mr. SHERMAN. I desire to say that my only doubt about this matter is whether I have not put the rate too low. There is no reason why newspapers should be carried at one-half the rate of periodicals.

Mr. RAMSEY. I do not mean to say that; but I say simply that the Senate ought to know the change the Senator has made in the House bill on this subject.

Mr. SHERMAN. Yes, and I will inform the Senate of another matter. The present pay of postmasters is entirely too high in the intermediate grade of cities. In little towns of Ohio having from five to ten thousand inhabitants, where the people read a great deal, the salary of postmasters is from three to four thousand dollars a year—higher than we pay our highest officer. The amendment I propose does slightly reduce the rate of pay of postmasters of those grades.

Mr. RAMSEY. As illustrating this matter, I beg leave to present the following tables:

Table showing the annual circulation of newspapers and periodicals in the year 1870, number of copies passing through the mails, their weight, the amount of postage that should have been collected under present rates, the amount per pound which should be collected under present rates, and the amount of postage which could be collected at different rates with advance payment.

Frequency of issue.	Annual circula't'n or number of copies printed.	Percentage of circulation passing through the mails.	Number of copies passing through the mails annually.	Rate of postage per annum under present law.	Total amount of postage that should have been collected in 1869-'70 under present law.	Average weight per copy, in ounces.	Weight of circulation passing through the mails, in pounds.	Am't received per pound under present rates of postage, in cents.	Average amount received per pound on each class of newspapers and periodicals, under present law, for 2d-class matter, in cents.	Average weight of newspapers and periodicals, as divided under present law governing 2d-class matter, in ounces.	Amount which could have been collected in 1869-'70—					
											At 1½ cts. per pound for newspapers and 3 cents per pound for magazines.	At 1 cent per pound for newspapers and 4 cents per pound for magazines.	At 2 cents per pound for newspapers and magazines.	At 1 cent per pound for newspapers and 2 cents per pound for magazines.		
Daily .....	806,479,570	10	80,647,957	\$1 20	\$312,184 80	1½	8,820,870	3.54	2 27	2 73	\$132,313 05	\$88,208 70	\$176,417 40	\$88,208 70		
Tri-weekly ..	24,196,380	60	14,517,828	60	55,837 80	2	1,814,728	3.07			27,220 92	18,147 28	36,294 56	18,147 28		
Semi-weekly ..	25,708,488	60	15,425,093	40	59,327 20	2	1,928,136	3.07			28,922 04	19,281 36	38,562 72	19,281 36		
Weekly .....	550,921,436	60	331,552,862	20	1,271,357 00	3	61,978,662	2.05			929,679 93	619,786 62	1,239,573 24	619,786 62		
Semi-monthly ..	32,395,680	60	19,437,408	24	194,134 08	3	3,644,514	5.33	4 68	5 71	109,335 42	145,780 56	218,670 84	109,335 42		
Monthly. ....	67,810,116	60	40,686,069	12	813,721 20	7	17,800,155	4.57			534,004 65	712,006 20	1,068,009 10	534,004 65		
Bi-monthly ..	1,036,580	60	621,948	8	11,679 36	8	310,974	3.75			9,329 22	12,438 96	18,658 48	9,329 22		
Quarterly .....				04												
	1,508,548,250	....	501,889,165	.....	2,718,241 44	....	96,298,039	.....	.....	.....	1,770,805 23	1,615,649 68	1,925,960 78	1,180,536 82		

Amount of revenue which, according to above table, should have been collected, at present rates of postage, during 1869-'70..... \$2,718,241 44  
Estimated increase of 20 per cent. up to end of 1873-'74..... 543,648 29

Amount which should be collected during current fiscal year if prepayment was compulsory..... 3,261,889 73

Amount of revenue which could have been collected, according to the above table, during—

At 1 1/2 cents per pound for newspapers and 3 cents for magazines.....	1869-'70.	1873-'74.
At 1 cent per pound for newspapers and 4 cents for magazines.....	\$1,770,805 23	\$2,124,966 27
At 2 cents per pound for newspapers and 2 cents for magazines.....	1,615,649 68	1,938,779 61
At 1 cent per pound for newspapers and 2 cents for magazines.....	1,925,960 78	2,311,152 24
At 1 cent per pound for newspapers and 2 cents for magazines.....	1,180,536 82	1,416,644 18

Amount actually collected and accounted for during the fiscal year ended June 30, 1873..... \$1,072,998 19

POST-OFFICE DEPARTMENT, Washington, D. C., June 10, 1874.

Table showing the amount of revenue derivable from newspapers and periodicals, estimated as passing through the mails during the year 1870, upon prepayment of postage thereon, by weight, at various rates per pound.

Weight of papers published once a week and more frequently, transmitted through the mails.			Weight of papers and periodicals, published less frequently than once a week, transmitted through mails.		
Pounds.	Rate.	Amount.	Pounds.	Rate.	Amount.
	<i>Cents.</i>			<i>Cents.</i>	
74,542,396	1	\$745,423 96	21,755,643	1	\$217,556 43
	1½	931,779 95		1½	271,945 53
	2	1,118,135 94		2	345,354 64
	2½	1,304,491 93		2½	380,723 74
	3	1,490,847 92		3	435,112 86
	3½	1,677,203 91		3½	543,891 07
	4	1,863,559 90		4	652,669 29
		2,049,915 89			761,447 50
		2,236,271 88			870,225 72
		2,422,627 87			

POST-OFFICE DEPARTMENT, Washington, D. C., June 10, 1874.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio as amended.

Mr. RAMSEY. The Senator from Ohio probably is not aware that his amendment as to the pay of postmasters affects simply postmasters of the fifth class as graded in the amended House bill. In regard to the bill providing for the readjustment of postmasters' salaries, and reported by the Committee on Post-Offices and Post-Roads, and which the Senator from Ohio makes part of his amendment, I will say that there are connected with the Department about thirty-four thousand five hundred postmasters; of this number about thirty-three thousand are postmasters under the present classification of the fourth and fifth classes. It is the principal object of this amendment of the postal code to benefit this large class of officials, by giving to them that compensation which the law contemplates that they should receive, and remove from them a just cause of complaint. Under the present law their compensations, like postmasters of all other classes, are fixed salaries, adjusted only biennially, and during the intervening period remaining the same except in special cases, notwithstanding any increase in the business and revenues of their respective offices. This evil must continue under the present law, and can be avoided only by a change in the mode of compensation. It is this change as its leading feature which the amendment contemplates, to change the compensation from a fixed salary to a compensation governed by and according to the quarterly revenue of the offices as shown by the quarterly returns of the postmasters made to the Auditor. As the change is to affect all postmasters whose compensations are under \$1,000, and embraces those of the fourth and fifth classes, under the present classification the division into two classes became unnecessary, and they have been consolidated into one, the fourth. In the present law the amount of stamps canceled is made an item of the revenues of the office. Experience has shown that the amount of stamps sold is a more reliable and accurate evidence of the revenues of an office, and therefore it is proposed to substitute the amount of stamps sold in the place of the amount of stamps canceled as an item of revenue.

To effect these several changes, as simple as they appear to be, required modifications of many sections of the code. On making these modifications, in order to preserve the order and symmetry of the code, it is deemed advisable to re-enact the entire sections as they are modified, and in one instance, for a more logical arrangement, to transpose sections, as that of the eightieth and sixty-third. On account of the large number of persons to whom the postal code is a guide in their official conduct, it is most desirable, so far as it is practicable, that the present sectional arrangement should be preserved. Hence the form in which the amendments are presented. The importance of the amendments proposed, so far as they will affect postmasters of the classes intended to be reached by them, must be obvious without remark. But there is another most important result anticipated from the amendments in the saving of labor and expense to the Government, and the Department from great trouble and annoyance.

In the large number of thirty-three thousand post-offices, and increasing daily, to be affected by these amendments, there must be a large proportion, particularly in the newly settled and rapidly growing sections of the country, at which the revenues will be increased quarterly to an extent (see section 82) which would entitle the occupants of them to an immediate re-adjustment of their salaries, and which could not be denied them under the imperative terms of the present law on proper application. To meet promptly and justly the necessities of such applications would require the whole time of a very large proportion of the entire clerical force of the Department. And even now to make the biennial readjustments provided by law requires the extra time and labor of ten clerks for six months preceding such readjustment, while two clerks would be ample to perform all the labor requisite to the readjustment of the salaries of all other postmasters.

The amendments proposed are commended to favorable consideration not only by their justice to the large number of postmasters to be affected by them, but in addition by the saving of labor and expense to the Government which will result from them.

The transposition of sections 63 and 80 is made in order that the classification may precede appointment. The consolidation of the fourth and fifth classes into one, the fourth is made because the amendment proposes to affect all postmasters whose compensation is less than \$1,000. The change of compensation to the fourth class is made to avoid frequent readjustments. The changes in the other sections are made to make them conform to the changes in this section.

Mr. CONKLING. I move to amend the amendment of the Senator from Ohio—I think he has no objection to it, and I have consulted many Senators, and I hope there will be no objection—by making the salary of the postmaster of the city of New York \$8,000. He is to receive now no box rents. Justices of the peace in the city of New York receive \$8,000 and \$10,000 a year. Several postmasters receive \$5,000 a year, and the labor and responsibility resting upon this officer is many times greater than that resting upon any other postmaster in the Union. I spend no time upon that. I think there will be no objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York to the amendment.

Mr. CONKLING. It occurs in the amendment of the Senator from Ohio first on page 4, line 9, section 63, striking out "six" and inserting "eight," and it occurs again on page 5, line 31, striking out "six" and inserting "eight."

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio as amended.

The amendment was agreed to.

Mr. SHERMAN. I have another amendment, and only one more, to offer to this bill. I offer it separately because I do not know whether it will meet with the approval of the Senate. I am very much in favor of it myself. It is to add as a new section:

SEC. — That all public documents printed by order of Congress for distribution shall be transported in the mails without prepayment, and shall be delivered to the person to whom they are addressed upon the payment by him of the lawful postage thereon; and the Postmaster-General is hereby authorized and required to make and enforce suitable rules and regulations to carry this section into effect.

Mr. RAMSEY. Does the Senator mean to restore the franking privilege?

Mr. SHERMAN. I mean to do one of two things without circumlocution: I mean either to stop the printing of public documents and loading us down with matter that costs the Government a large expense or to provide some way of getting rid of them. This does not restore the franking privilege; it simply authorizes this matter to be carried in the mail and delivered to the person to whom it is addressed, and requires him to pay the postage, so that the Government loses no revenue. It only does by public documents what has been the law of the land all the time for periodicals and newspapers; and I say that when Congress goes to the expense of printing public documents they ought to be transported in the mails, and the person who receives the benefit of them ought to pay the postage on them.

So far as I am concerned, I am perfectly willing to vote for this proposition, and then I am perfectly willing to vote against every publication of every public document unless some mode is provided for distributing it. I have here hundreds of volumes and I am transporting them to Ohio now by railroad cars and by express. There is no reason why the Government of the United States having a Post-Office Department should not carry those documents to the persons who ought to receive them, and why the persons who receive them should not pay the postage on them. I would go a little further and require them to pay the cost of printing.

Mr. RAMSEY. The Senator came in this morning and moved what was really a great reform, but now he throws it all away. The great reform he moved was to require the prepayment of postage on newspapers and printed matter going through the mails. The House have passed that measure, the Senate committee have agreed to it, and the Senator from Ohio offered it as an amendment to this bill. I think the Senate ought to accept it, and it ought to become a part of the law of the land. Unless you do insist on prepayment you get no postage or no approximation to what you should have from the postage upon printed matter. Now, the Senator goes right back upon that record which he has made to-day and proposes to allow all this printed matter to pass through the mails without prepayment.

Mr. SHERMAN. Only public documents.

Mr. RAMSEY. How much you will receive from it you can very well conceive when I tell you that you have collected only about one-third of the postage on printed matter that your law provided for during all these past years. With all the precaution and watchfulness of the Post-Office Department it could never collect more than about one-third of the postage to which it was entitled, and for that reason your deficiencies have been growing from year to year. The Senator has commented on those deficiencies, and now he comes in with a proposition to allow documents to go without prepayment of postage.

Mr. WEST. It occurs to me that although the amendment of the Senator from Ohio may be in the direction that many Senators consider desirable, it is certainly capable of a most pernicious construc-



tion, and that is that the mails of the United States shall be cumbered up with such documents as Congress shall deem it prudent to print and members of Congress shall deem it judicious to send to their constituents, leaving those constituents to judge whether they want them and whether they will pay the postage on them.

I have long held that if there could be any modification of the franking privilege that would contribute to the interest of the people by laying before them such information as they might desire, that object could be obtained by one very simple process, the same process that was at one time applied to the distribution of the Congressional Globe. Constantly propositions are made in this body to print documents. Whenever Congress shall determine that a document is sufficiently valuable to print, why not determine at the same time that it is sufficiently valuable to transmit through the mails free of charge; so that we can say, when the chairman of the Committee on Printing offers a resolution here, that so many thousand copies of a document shall be printed for the use of the Senate and the House, "and the same shall be transmitted through the mails of the United States free of charge," making the application of that privilege of transit depend upon the value and the use and the necessity of that document? That can be applied in every instance. Whenever we want to send a document abroad we can at the same time say that that document is sufficiently valuable to justify its transmission through the mails at the government expense.

What do we have here? An opportunity for Congressmen, first, to print everything, and, next, to send everything out and cumber the mails with these documents and then leave the men to whom they are addressed the option to take them out of the mails or not. What will be the consequence? Your post-offices will be the receptacles of this vast amount of printed matter lying useless there, useless for the reason that the people to whom it is addressed will not take it from the office. We know that will be the case, just as our establishments were cumbered with these documents before. Of all the methods of restoring free transmission, so called, of public documents through the mails of the United States, this undoubtedly is the most pernicious, and I do not believe the Senate will adopt it.

Mr. FRELINGHUYSEN. Mr. President, I cannot agree that the Senators and Representatives will be so foolish as to be loading the mails down with public documents which their constituents do not want. There is some discretion left in the representatives of the people. The provision which is contemplated by the amendment of the Senator from Ohio is that when one of our constituents writes to us for a book we can send it to him. I would add, for I introduced a bill which I have in my hand, and which has never been reported, that postage should not exceed twenty-five cents a volume in any case; and if the books were not taken out of the post-office in ten days they could be sold by the postmaster and accounted for to the Department. I will read the bill which I have drawn up:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within ten days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

That does not abolish the franking privilege; it does not cumber the mails; it does not put the Government to any cost. It does distribute the public documents, and at the proper time I will move it as an amendment.

Mr. SHERMAN. I am perfectly willing to accept that as a modification of my amendment if the Senator will let me look at it so that I can examine it.

Mr. MORRILL, of Maine. Mr. President—

Mr. RAMSEY. If the Senator from Ohio intends to insist on this amendment I suggest to him to let it expire with the transmission of the documents already printed.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine, [Mr. MORRILL.]

Mr. RAMSEY. I simply wished to make this suggestion. I do not intend to take up the time of the Senator from Maine.

Mr. MORRILL, of Maine. If the Senator from Minnesota is through, I will make the observation I rose to submit. I should regret to see the proposition of the Senator from Ohio put on this bill. We had been so greatly exercised over the free transmission of public documents through the mail; it had become in public estimation so opprobrious; members of Congress had been so much scandalized for the abuse of that privilege, that I should regret exceedingly if within twelve months or so after our protestations that we never intended to have anything more to do with it, that we would wash our hands of it, that so far as we were concerned we would not encumber the mails, we should now, while this is all fresh in our memories, propose to give these things free passage through the mails again.

Mr. President, the postal service is becoming one of the most im-

portant in the country. From very small beginnings it has gone up rapidly, and in the few last years with marvelous rapidity, until now its revenues are more than the revenues of the entire Government of the United States were under the administration of John Quincy Adams, and its disbursements are larger than the whole expenditures of the Government at that time, and it is increasing at a rate of some four millions a year, expanding in all directions.

Mr. President, what is the principle upon which we ought to run the mails? Ought we to run the mails out of the Treasury of the United States, or ought that service to be predicated upon the idea of being self-supporting? One of the two principles we must sooner or later adopt. In the beginning this branch of the service was self-supporting, and it was designed to be self-supporting. That feature was retained in this branch of the service down to 1845, I think, without a single exception, and it continued chiefly from that time down to 1857. Since that period we have departed from the idea of its being self-sustaining and we have relied upon making appropriations sufficient to meet the demands of the service, so that the appropriations for deficiencies range all the way from three to five million dollars a year.

Something has been said in this debate with which I am entirely in sympathy, and that is, that we overload the mail with matter which does not properly belong to the mail; we subject the mail proper to an unreasonable and unjust burden. It has been stated by the Senator from Ohio, and I believe accurately, that some 73 per cent. of the amount of all mailable matter carried through the mails only pays about a million dollars out of the thirty millions and more which this mail service costs. I submit to my honorable friend from New Jersey whether he is in sympathy with that fact. I repeat, the statistics show that, taking the bulk of mailable matter that passes through the mails, newspapers and pamphlets contribute about 79 or 80 parts in a hundred of the entire bulk that is carried through the mails. They contribute to your revenues only about one million dollars out of thirty millions.

Now, is it a fair proposition that a paper weighing four ounces, as many of the metropolitan papers do, may go through the mails for a cent and a half, while the letter of the poor man, weighing half an ounce, must be taxed three cents? On that portion of the public service there is collected a sum of twenty-two millions, while something less than a million is realized from the papers and pamphlets that pass through the mails.

I do not see upon what principle it is possible for us to conduct the service in that way. If we intend to make this service entirely free, very well; let us curtail the service down to the absolute needs of the people, and run it in that way out of the Treasury of the United States, as you do the Army and Navy precisely. Call it an establishment in the interest of the people, for the education of the people, and make it an appropriation absolutely from the Treasury at large, and there may be some justice in that; but what sense or justice is there in running the mails at an expense of thirty millions to float seventy-nine hundredths of newspapers and pamphlets that pay a mere fraction of the cost of the service?

Mr. FRELINGHUYSEN. If I get the point of my friend, it is that it is unfair to make the poor man pay three cents for a letter while newspapers and periodicals go at a much less rate. I think the answer to that is that the man pays his three cents as a tax for the promotion of general intelligence throughout the country, and I believe that the circulation of newspapers and periodicals and the documents which we publish is of great value to the people, and that they can well afford to pay the expense of it by paying three cents for a letter.

Mr. MORRILL, of Maine. Would not my honorable friend think it more just, then, to pay it out of the general Treasury?

Mr. FRELINGHUYSEN. I do not know that it would be. I do not know that you can get an easier tax, for if you pay it out of the general Treasury you have got to impose a tax to get it into the Treasury, and I do not believe there is any tax you could levy to get the money into the Treasury which would be more easily borne and less felt than the three-cent postage on a letter.

Mr. MORRILL, of Maine. I do not for myself believe there is any justice in imposing upon the people of this country a tax of \$22,000,000 for the carrying of letters for the sake of floating seventy-nine one-hundredths proportion of the whole service of the country in the case of newspapers and pamphlets. We shall have to come to one of two things: either devolve the whole expense of this Department, as we do of the Navy and the Army, upon the Treasury of the United States, or return to the early policy of the Government and make it self-supporting; and no man can doubt, in my judgment, that the economy in the whole thing is to return to the early policy of making it self-sustaining. Then you will hear nothing about free transportation through the mails. The franking privilege abolished, let everything that passes through the mail pay its tribute to the service on which it calls for transportation. That is the sound rule; but above all, Mr. President, I should regret extremely if the proposition of my honorable friend from Ohio for the free passage of documents such as we see fit to publish here through the mails should obtain the acceptance of the Senate.

Moreover, I do not see that the amendment of the Senator from New Jersey improves it much. As I understand, by his proposition these documents are to go through the mails at twenty cents a volume.

Mr. FRELINGHUYSEN. Twenty-five cents.

Mr. MORRILL, of Maine. Twenty-five cents per volume. If my honorable friend will examine this question he will find that some of the documents that we shall pass through the mail weighing four or five times as much as that, [holding up a volume of the Statutes,] according to the present rates which are paid by the people upon other documents, upon other books and other printed matter, would cost from one dollar and fifty cents to two dollars. Can anybody say why there should be a discrimination in favor of public documents and against that general intelligence so precious in the estimation of my honorable friend and which the people are hankering for so much? It comes back precisely to that discrimination which the people of this country have held to be invidious, and which they have frowned upon and which became a public scandal, in favor of public documents, in favor of the privileges, as they were understood, of Congressmen. The bill which was reported by the chairman of the Committee on Printing contains in my judgment the true principle upon which we should send out these public documents. Allow them to go through the mails prepaid, as you do other publications precisely; allow whoever applies for them and pays their cost and the postage to have them; but that there should be a discrimination in favor of any public document against any other publication which is permissible to go through the mails, I submit is without just distinction.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Will the Senate agree to the amendment of the Senator from Ohio?

Mr. RAMSEY. What is it now as modified?

The PRESIDING OFFICER. It will be read.

Mr. FRELINGHUYSEN. If it is in order, I will move the amendment I suggested as a substitute.

The PRESIDING OFFICER. The motion of the Senator from New Jersey is in order.

Mr. FRELINGHUYSEN. I make that motion.

The PRESIDING OFFICER. The substitute is before the Senate.

Mr. HAMLIN. Let it be read.

The Chief Clerk read the amendment of Mr. FRELINGHUYSEN to the amendment of Mr. SHERMAN, which was to strike out all of that amendment after the word "that" and insert in lieu of the words stricken out:

Hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within ten days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

Mr. WEST. I understand that the Senator who offers that amendment is willing to change the time at the termination of which the postmaster shall sell the documents from ten days to thirty days. I ask the Clerk to make that change.

The PRESIDING OFFICER. If there be no objection the amendment to the amendment will be so modified.

Mr. CONKLING. Mr. President, I wish to inquire of the chairman of the Post-Office Committee whether any provision has been made or is to be made touching the official postage of members of the Senate?

Mr. RAMSEY. Do you mean compensation to Senators for their postage?

Mr. CONKLING. Yes, sir.

Mr. RAMSEY. I imagine not. There is no such purpose on the part of the Committee on Post-Offices and Post-Roads, nor do I suppose there is on the part of the Senate. I presume that when the franking privilege was abolished Senators and members all knew very well that they would have to pay their own postage. There has been no proposition from any quarter to give compensation for it. Indeed, if my recollection is right, the Senator from Vermont had an amendment placed on some bill, probably on an appropriation bill, prohibiting any compensation for postage hereafter.

Mr. CONKLING. The Senator from Minnesota bestows I think the last sad commentary upon the experiment of abolishing the franking privilege. I am one of those who never lost an occasion to vote for the abolition of that mis-called privilege; and if ever I voted under a delusion, I am compelled to admit that I was deluded every time I gave such a vote. I believed in the petitions which came here. I believed somewhat even in those petitions which, printed at the public expense and sent out by the Post-Office Department, under the franking privilege, and committed to the army of postmasters the country over with instructions tantamount to an order from an official superior to disseminate and obtain signatures to them, which sent back here under the franking privilege, were presented by hundreds and by thousands. I believed somewhat even in the language of those petitions, and so believing I expected by my vote to aid in eradicating a real abuse, although I differed from the prevalent theories as to the particulars in which the abuse consisted. But it was my hope that there would be no more seeds sent out, never to come up; no more books printed and sent out, never to be read; that the

whole business of bulb-propagating and seed-collecting and distributing, book-making, and book-giving would cease; that the mails would be employed in the exchange of correspondence, and the franking privilege would cease.

What has been the result? What decrease has there been in book-making, book-printing, and book-binding? What decrease has there been in the Agricultural Department, so called, in the bulbs, the seeds, the vines, the agricultural and horticultural products? What has been the case in reference to saving anything to the Government upon the correspondence coming to and going from the representatives of the Government? In one word, Mr. President, this great reform, this reformation about which so much has been said, has resulted in no cheapening of postage, in no saving of public expense that I can discover, in nothing except to impose upon members of Congress letter postage, and to impose upon every one-armed soldier and sailor, and upon his widows and orphans if he be gone, postage upon the letters which they write inquiring as to matters of deepest concern to them. That is the outcome of this reform.

Why do I say so? The Senate hears continually resolution after resolution to print this, that, and the other document and book with extra copies. The Senate listens, whenever there is occasion for the information, to statements showing us that in the Executive Departments, first, the expense is incurred of printing stamps; second, the expense is incurred of employing clerks to lick and to stick those stamps; that the danger is incurred of printing these official stamps in great numbers and distributing them, the Senator from New Hampshire [Mr. CRAGIN] tells me to not fewer than fifty thousand officials, by the sheet or by the handful, with all the opportunity that is thus afforded for abuse, lax practice, and fraud.

Thus the Post-Office Department comes to enjoy, I admit, a sort of apparent benefit. It is a trick of book-keeping. It is taking it out of one pocket and putting it into the other. The Post-Office Department is receiving revenues from these stamps, which revenues are being paid by the other Departments; in other words, being paid by the people, by the revenues in the beginning and in the end; that is all. If the purpose were to enable the Post-Office Department to make a flattering balance-sheet, to make an exhibit to the country showing that it is self-sustaining, showing that the Post-Office Department, as one entity in the Government machine, costs nothing, I admit this would be, as Artemus Ward said about his father's grave, a success. It would be a success; but when you consider that the legislation is in behalf of the people, and when you remember that it costs precisely the same thing with the expense of printing the stamps and employing the clerks to apply them besides, certainly in that direction the result is not flattering.

What else do we find? These books being printed are allotted to Senators to distribute them. How do they distribute them? The Senator from Ohio tells us that he is employing the express and the railroad to carry his books to Ohio, and when they reach Ohio I do not know whether he means to employ a wheelbarrow or a hand-cart or a drayman to take them around and deposit them at the doors of those to whom he proposes to give them. But here they are. A printed statement laid upon our tables shows that the books allotted to us up to that time and not distributed involved the payment of \$930 postage for every member of this body. So the printed statement, coming I believe from the Post-Office Department or under its authority, informs us. During some weeks of this session, I am told by Senators, their official postage, postage upon letters coming to them, the postage being only partially paid by the senders, and upon letters which they are compelled to write and pay for, has amounted to eight or nine dollars a week.

Within the narrow limits fixed by the rule relative to debate on this bill, I cannot go into the subject at large, but I beg to address to every Senator who hears me one question: Is there any reason why the Secretary of War, or the Secretary of the Treasury, or the head of a Bureau, or any other executive officer of this Government, more than a Senator, should be paid his official postage? Turning it the other way, is there any reason why my friend from Connecticut should pay the postage upon the letters which he officially is compelled to write any more than why any head of a Bureau or an Executive Department should do the same thing? And yet to this day that great public which stands behind these galleries does not know that we are compelled to pay out of our own pocket the enormous accumulation of postage rolled upon us.

I received to-day a letter from a gentleman, as noted for his culture and politeness as he is for his great wealth, about a matter wholly personal to him as far as it is personal to anybody, having nothing to do with me except that it is one of the manifold duties imposed upon me because I am a Senator. He wrote to me one of a series of letters requiring an answer, and in no one of his letters has he ever inclosed a postage-stamp—not that he would be rude enough to impose upon me the payment of his postage, knowing at the same time that all the other correspondents that I have in a constituency numbering about five million people may be doing the same thing; but to this hour he, a reader of newspapers and a man of intelligence and thought, does not know that I am compelled to pay the postage upon every letter that I write, sometimes amounting in a single day to a hundred letters; and that in addition to that I receive by nearly every mail packages upon which one rate of stamp has been put, three cents or perhaps six, and they come to me marked "due nine cents"



or "due twelve cents," sometimes "due eighteen cents," each of which packages requires me frequently to transmit the contents of it or a part of them somewhere else, upon which I pay postage over again. And yet although that is our attitude, and although the Senator from Minnesota tells us that it is not proposed to do anything by which the widow or the orphan may write, without paying postage, to us in respect to his or her pension, although it is not proposed to do anything by which our official postage may be paid, nevertheless the abolition of the franking privilege he intimates has done its office when we sit here legislating to furnish official stamps to everybody in the service of the Government except members of Congress, and racking our ingenuity to enable everybody except ourselves and our correspondents in some way or other to go scot-free of postage.

Mr. President, this brings me to the pending measure, if I have a moment or two left to speak of it. What is it? I take the amendment of my friend from Ohio. I believe it is like that of the Senator from New Jersey.

Mr. WEST. There is no ten-minute rule on this bill yet.

Mr. CONKLING. The Senator says there is no ten-minute rule on this bill.

Mr. SHERMAN. O, yes, there is.

The PRESIDING OFFICER. A resolution was adopted making it in order to move the ten-minute rule; no motion has yet been made to apply the rule to the bill.

Mr. CONKLING. I beg pardon; but I will not inflict the Senate with a speech for that reason. Had I known that I was not confined to ten minutes, I should have made my position a little clearer.

I wish to devote a few moments to the pending proposition. It is that hereafter all public documents may be deposited in the mail, no postage being prepaid upon them, and when they are called for by the person to whom they are addressed, he is to pay the postage upon them. I ask the Senator from Ohio whether in substance that is it?

Mr. SHERMAN. If the Senator from New York will allow me, this is the precise principle of the law which existed during the late war in regard to soldiers' letters. A soldier at the front might send a letter to his home, and it was carried home and the postage was there collected. This is the same principle that was adopted in that case.

Mr. CONKLING. With a slight variation, Mr. President. The letter which came from the soldier in the front and went to those who waited for it around his own fireside was not a public document; it was a private document and a sacred document. Those who would pay postage upon it waited and longed for it, and no uncertainty could arise in regard to it when once it reached its destination. What is proposed now? To send public documents here and there over the country. To whom? To those who write for them merely? Is that the suggestion? If it is, you will find they will be applied for by book-jobbers, by book-stall keepers, by buyers and sellers and traffickers in documents. The result will be to turn over largely to dealers in these articles the books which we are making here, they paying nothing for them except the cost of transmission? Is that intended? If it is not intended to confine them to those who write for them, does the Senator mean that a Senator shall sit down and send indiscriminately to persons who have not applied for them books burdened with a considerable amount of postage, which they are to be called upon to pay, and either submit to paying or be guilty of the apparent rudeness of refusing to take them from the post-office?

Then my friend from New Jersey, as I understand, provides, looking to that contingency, that when they do refuse, when some man in New Jersey says, "Well, really, this is very considerate of Senator FRELINGHUYSEN to send me a book which I have never asked for, and do not want, with twenty or thirty cents postage upon it; when I want him to impose that postage upon me, I will let him know; and in the mean time I will fall back on my reserved rights and tell the postmaster that I do not want this book and refuse to take it out"—looking to that contingency the Senator provides that these books are to be sold. To whom are they to be sold? I think it quite likely that here and there a man or two will go into the business of picking up these books, and from such persons bids will come. What will be the bids? Is there anything here holding out a promise of their selling even for enough to pay the postage? In some post-offices a hundred documents accumulate. The postmaster is to sell them. How is he to sell them? By private sale?

I recollect a case in which a gentleman who once held distinguished rank in this body, as well as in the other House, received from the far West a large box of prairie-hens with a letter, as he told me, requesting him to dispose of those prairie-hens to the best advantage and remit the proceeds to the sender, which I believe he religiously did, that being but one box of prairie-hens. But when the postmasters of the country are required to make the best disposition they can of these documents coming along all the time, are they to go around by private negotiations, as in the case of the box of game, and see who will take one and who will take another, or how are they to dispose of them? Perhaps by ringing a bell and proclaiming a sale by public outcry, at public vendue. How much are they to bring? Can anybody suppose that the class of people who would value these books, men of business, farmers who want the Agricultural Report, many of whom send two, three, four, or five miles to the post-office for their mail, are to attend these sales, are to go in person, and watch and see when they can buy these books? It

seems to me all that is very uncertain, and that it is much more likely that the books will be sacrificed and sold for a song.

And thus we have again, Mr. President, what I insist we have had all the time, an abolition of the franking privilege without the courage or the willingness to stand up to it; upon which I observe that one or the other of two things is right: Either we should restore the franking privilege and allow public intelligence to go through the mails to the end that our principals may know what we, their agents, do here, in place of our being isolated and turned over to the annals or chronicles given by certain party newspapers; or, if the franking privilege ought not to be restored and should have been abolished, then we should accept logically and fully the fact of its abolition and govern ourselves accordingly. But instead of that, we have constantly propositions to print this book because of its exceptional value, and that book because of some special circumstance connected with it, and something else for a different reason, and so we are adding to an accumulation of books the postage upon which was \$930 weeks ago for every member of the Senate; and then by way of avoiding a restoration of the franking privilege, and by way of justifying ourselves in going on with the business of book-making, here comes a plan as the most ingenious these learned Senators can invent by which you are to send them through the mail subject to postage at the other end, and providing that they are to be sold at public vendue or otherwise when they are not called for. I do not believe in it, Mr. President. I do believe that if we are to adhere to the abolition of the franking privilege, we should stand by it. As the tree has fallen, so it should lie. I do believe that instead of receiving, as I receive continually, a package of seeds and a package of other agricultural products from the Agricultural Department, which I do not know any disposition to make of—for I have no idea what to do with them—we should cease to be the recipients of these contributions.

Mr. President, this subject connects itself with one or two other topics upon which I think it would be appropriate at some time for somebody to comment. We said at the beginning of this session that we would fix the salary of Senators at \$5,000 a year. What did that mean? It meant apparently that that sum was to be received. Every man who hears me knows that unless we leave the seeds and the documents to perish or to be disposed of under some such scheme as this, which I think would probably carry a large part of them to book-jobbers and document-venders to make money of, in place of the salary of a Senator being \$5,000 it is not \$3,500 after he has paid his official postage. Every man knows that is not right; every man would be ashamed of it in the case of anybody else; and every Senator knows the reason why that fact is left to exist. Perhaps I should take a liberty with the Senate if I were to state it; but I think I may say this much: that were it the case of any other public officer, or of any citizen, were it the case of an executive officer of the Government, as we do furnish him official stamps to carry on his official correspondence, so we should furnish official stamps to him if he held the place we hold. In other words, it is a constant confession that what is right in respect of others, we do not do, perhaps I may not say we dare not do in respect of ourselves.

But, Mr. President, with less courage than any other member of the Senate, with so little that in these times I often feel the need of something to lean upon even in occasions that are not as trying as this, I think if other Senators should go with me and assist me, I could nerve myself up to voting either to stand by the abolition of the franking privilege and stop printing documents, or if we will print documents, to restore the franking privilege at least in regard to them. I do not know but that I could go a little further. I think I could stand with others around me and close to me in insisting that if the official postage of everybody else from the President of the United States to the last clerk in the last Bureau of the last Department is to be paid—his official postage I mean—thereby meaning postage upon all letters written to him touching the public business and coming to him in his official character—if that is to be done, I say I might myself hope if my stalwart friend from Illinois [Mr. OGLESBY] would stand close by me to vote that we also should be furnished either with official stamps or with some substitutes for them to put on the letters that come to us and go from us in our official capacity; and I should say that the American people are too just, that the American people are too clear-headed to respect or praise any public officer for the cowardice which leads him to submit to gross and palpable injustice which he would not dare to justify in the case of anybody other than himself.

Suppose we were to sit here and vote that the Postmaster-General was to pay out of his own pocket all the postage upon the official correspondence received by him. It would shock the common sense of every page in the Senate Chamber. Every man would say "the Postmaster-General, receiving now \$8,000 a year for his services, taxed as all officials are because they are officials, besides now to be compelled to pay postage upon everything sent to him in his official character! It is a swindle; if you mean, that why do you not say honestly that he shall receive but \$2,000 a year or \$4,000 a year, or whatever would remain to him after paying his postage?" The boys that run our errands could tell us that; and yet I inquire again what the difference in principle is between a Senator paying nine dollars a week, as I have heard Senators say they have paid postage during some weeks of this session, not upon public documents but upon correspondence alone, and the Postmaster-General or the Secretary of the Navy, or any other gentleman who holds a distinguished execu-

five position under the United States paying his official postage? There is not any.

But, Mr. President, why multiply words? All these things are part, as I insist, with deference to the Senate, of that illogical, confused, haphazard policy which has been adopted on this subject. They all grow out of the fact that when we abolished the franking privilege we did not stand to and abide by the logic of that act. If we had done so the provision made for the Executive Departments as to their postage would have been made for us also, either individually or collectively, and then all unnecessary matter for the mails, like books furnished at the public cost, would have ceased to go to the mails, because our orders would have ceased under which they are printed, bound, and published. Therefore my conclusion is that the sooner we come back to the one position or the other the more logical we shall be, the more just to ourselves and to everybody else. This proposition in either form I cannot vote for, believing as I do that it would make still worse a matter already bad.

Mr. FRELINGHUYSEN. Mr. President, I think the best way to legislate is to legislate in view of existing facts. We have two facts which are undisputed. The franking privilege does not exist; the public documents are printed and we have them on hand to be disposed of; and now the question is how shall we afford the requisite facilities for their distribution? As to this discussion as to courage, I do not think it is a question of courage. I voted against the abolition of the franking privilege before. I spoke against it. My friend from New York voted for it and spoke for it. But I do not think it is a wise plan, when a thing is done, not to accept it and to be finding fault with the state of things. I accept it that the franking privilege is abolished; but we have these books now, and the question is how shall we distribute them? The Senator from New York thinks that we should be imposed upon by the book-jobbers. Not at all. The way that I should undertake to administer the distribution of documents under this law would be this: I would write to some leading person in one township and to somebody in another to send me a list of the names of those who would like the Agricultural Report and pay the postage on it, and then I would fill up that list and so circulate those books; and if they are not called for, what is the provision? Not that they shall be put up at auction, but that they shall be sold for the postage, no more, no less, and that would effect the distribution of these books.

Mr. WEST. Suppose they do not bring the postage?

Mr. FRELINGHUYSEN. That would be a loss in that contingency.

Mr. RAMSEY. The charge of the Senator from New York, [Mr. CONKLING,] so often repeated, that the repeal of the franking privilege was owing to the circulation of petitions sent out by the Post-Office Department is calculated to make a wrong impression on the minds of those who were not here during the consideration of that question by Congress. The truth is that the repeal of the franking privilege was urged upon Congress by the President of the United States; it was urged upon Congress by Postmasters-General of the United States for over twenty-five years; it was urged upon Congress by the two leading political organizations of this country in their national conventions at Cincinnati and Philadelphia; it was pressed upon the Congress of the United States by one million people of these United States affixing their signatures to petitions for its abolition. All these things were done—not by the Postmaster-General. It is true that in answer to importunities from the people to send them some sort of petitions he had blanks printed and sent to them. That was all he did. No one can pretend that American citizens were compelled or coerced by postmasters to sign those petitions; they knew what they were about. A million of people in the United States are not to be dragooned in that way.

Again, it is not a singular thing that we do not enjoy the franking privilege. There is not a civilized and cultivated country on the earth that allows it to its representatives. Whenever they were once in the enjoyment of it they have been compelled, as we have been compelled by public opinion, to abandon it; and why did we abandon it? Because it was a grievous wrong, a great abuse in itself. Properly construed and properly conducted it might not have been so; but in the lapse of time it grew to be a great abuse, and the people compelled its abolition. I am sorry that the Senator from New York after having done that good work should be perpetually sighing for the "flesh-pots of Egypt."

I would ask the honorable Senator from New Jersey if he proposes in this amendment of his to have it still read "that the postage on no single document shall exceed the sum of twenty-five cents?" Probably he means "no single volume," and he should so modify his amendment. The CONGRESSIONAL RECORD I suppose will consist of four or five volumes for the session; the Globe has heretofore been four or five volumes per session; and it is not possible that he means to send all those volumes for twenty-five cents. Again, the Medical and Surgical History of the War comprises two large volumes weighing ten or fifteen pounds at least, and he would not send both of those volumes for twenty-five cents postage. He means each volume of a document probably.

I think it is unfair to have one system of postage for the people and another system for the officials of the country. I do not believe that will be agreeable to the people. If we adopt such a system, probably

we shall be as hasty in our retreat from it as we were in the "back-pay" business. I hope we shall not make such a mistake now.

Mr. SARGENT. I move that the rule be applied to the post-office bill limiting discussion to ten minutes.

The PRESIDING OFFICER. The Senator from California moves the application of the pending rule limiting debate on amendments to ten minutes to the pending bill.

The motion was agreed to.

Mr. MORRILL, of Vermont. Mr. President, I have not been deceived in the result of the abolition of the franking privilege. I foresaw that it would be a sham, and it is an immense sham. But so far as the printing of public documents is concerned, the prevention of that and of their distribution is a real reform. It is a great mistake to suppose that we have been printing documents at this session for distribution. It has not been done that I am aware of in any case.

Mr. CONKLING. What are all these extra copies printed for?

Mr. MORRILL, of Vermont. The extra copies we now print are the last sad remains of documents that were ordered at previous sessions of Congress. I am utterly hostile to reviving the book-making business on the part of Congress, and yet I desire to call the attention of the Senate to the facts in this case so far as it is a reform on the part of the Post-Office Department.

It was represented to us that if we would abolish the franking privilege there would be a saving of something like \$4,000,000 a year. Thus far all the contributions of members of Congress to the revenues of the Department are of course to be added; and in addition to them we are to add \$1,865,900 that was last year appropriated for stamps for the Departments of State, of the Treasury, of the Navy, of the Interior, the Agricultural and other Departments. That added to the amount we appropriated for supplying deficiencies last year made the sum we appropriated last year for deficiencies in the revenue of the Post-Office Department seven million two hundred and sixty-two thousand and odd dollars. We appropriated directly from the Treasury \$5,393,602, and then appropriated for the stamps of the several Departments \$1,865,000. Now, after making these large appropriations, this bill provides that we are to appropriate \$100,000 more than we did last year, notwithstanding the contributions of members of Congress and notwithstanding the franking privilege has been abolished, and for last year, as I stated, we appropriated \$5,393,602, and this year \$5,497,000.

Mr. WEST. But your service has increased 8 per cent.

Mr. MORRILL, of Vermont. Very well; if the service has increased 8 per cent. so have the revenues increased or they ought to have increased.

Mr. WEST. Undoubtedly.

Mr. MORRILL, of Vermont. Under these circumstances it is apparent that the Post-Office Department is an expensive institution, and that it ought to be brought back to the original plan of the institution where it was kept for something like three-quarters of a century as a self-sustaining establishment.

I hope that we shall not brush aside the only reform that was made in abolishing the franking privilege, which was the suspension of the book-making business on the part of Congress. We have not yet introduced it at this session, and I trust that we shall not provide for it in the post-office appropriation bill by providing that the documents may be distributed only so far as documents that are now on hand are concerned. I am quite ready to provide some scheme by which the documents on hand which were previously ordered should now be distributed at some reasonable rate.

Mr. WEST. As some allusions have been made in this discussion to the question whether the repeal of the franking privilege has resulted in any benefit to the revenues of the Department or contributed in any degree to its more economical administration, I think it proper to state some facts in connection with that subject which have come to my notice in the examination of the expenditures of the Department.

The Postmaster-General in his report in his allusion to that question says, "it is too early now"—mind you his report was made in November of last year, when the repeal of the franking privilege had only been in operation for a few short months, and he called our attention to the fact that it is impossible to judge from the revenues of his office how far a benefit in the direction of economy had accrued. But I ask Senators to examine the data that I submitted here in my remarks when this bill was first presented to them. I showed you that the increased service throughout the country has been from 7 to 8 per cent. in response to the demands from all portions of the Union that additional mail service shall be put here, that additional mail service shall be afforded there, and that additional facilities shall be supplied here and elsewhere. I pointed to this fact that the increased expenditures of the Department this year are 5½ per cent. while the increased service is 8 per cent. What is the deduction therefrom? That there must have been some increase of revenue elsewhere. Then I call your attention to the fact that if the management of the business of the post-office is not in the direction of economy, most assuredly the percentage of deficiency should keep pace with the percentage of expenditure. You have 5½ per cent. increased expenditure and you only have had 1½ per cent. increase of deficiency, and that in face of this other and very important fact that Congress at its last session authorized an increase of compensation to the rail-



road companies all over the country. That was because it was made evident to Congress that in the compensation the Post-Office Department was conferring on the railroad companies it was not equitable and was not just. We have under that provision that we should pay an additional sum to the railroad companies, an increase of \$1,750,000 railroad compensation for the next year that does not appear in the expenditures. Our expenditures are so much less, or proportionately so much less, and yet you are paying the railroads on their contracts \$1,750,000 more than you did last year. Then, irrespective of whether it is advisable to restore the franking privilege, we must not lose sight of the fact that the country is gaining financially by its abolition. That is evident from the facts I have stated, first, in the reduced percentage, and second, that we have increased the railroad compensation \$1,750,000 for reasons that we could not avoid. The railroad companies would not carry the mails unless we did it. There is part of the money saved from the franking privilege.

As for the \$4,000,000 that the Senator from Vermont alluded to, I do not know where he got his facts from, because we have here an assurance from the Postmaster-General that if that mail matter was paid for it would increase the revenues \$2,500,000; but it does not go and it does not pay anything and it is not carried in the mails, and consequently we have saved that much money.

Mr. MORTON. Mr. President, some time ago I introduced an amendment, which was referred to the Committee on Post-Offices and Post-Roads, to allow documents printed at the public expense to be sent through the mails, the postage to be paid by the persons receiving them. I think hereafter there will be much more circumspection in the printing of public documents than there has been in the past, and that only the more valuable will be published. Some of these documents contain information that cannot be had elsewhere. Book publishers will not publish books containing this information. If it is not published by Congress it will not be published at all, and if the people cannot get it through this source they cannot get it at all. Some of this information is very valuable to the country, and the people are willing to pay for it. Now, why not give them a chance to get it? It is a hardship and a burden upon members of Congress to send these documents at their own expense. They cannot very well afford to do it. It amounts to an onerous tax. Now, why not allow us to send these documents to persons who want them or who will be willing to take them and pay for them, or that have written to us for them, letting them pay the postage? I have received many letters during this session, and I presume every other Senator has, asking for certain books, and I believe in not a single instance have stamps been sent to pay the postage. I will not say why this omission has been made; but such is the fact. Some write to us "Send them at my expense." But how can we send them without sending a bill for the postage, which we are not likely to do?

Mr. President, I shall vote for the amendment offered by the Senator from New Jersey, though it does not go far enough. The Senator from New York made an argument which would prove, if it proves anything, that the franking privilege ought not to have been abolished. He voted for it and so did I. I voted for it because that privilege had become a scandal that could not be answered. It became a necessity on the part of Congress to abolish the franking privilege, and there is no reason why members of Congress should not be provided with postage for that correspondence which necessarily grows out of their office any more than that the Postmaster-General or the Secretary of War should be provided with postage. To require them to pay postage on the official business of their Departments would be ruinous to them. As was argued, is there any more justice in requiring us to pay postage growing out of the office and in consequence of it? I am prepared, when some member shall offer such a measure properly considered, making provision for our postage, to vote for it. It cannot be done to-day, and it will not be done, but here is a step in the right direction for the present. Let us provide that those persons who want these public documents may get them by paying the postage on them.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey.

Mr. SARGENT. I move to amend the amendment—

The PRESIDING OFFICER. It is not amendable, because a further amendment would be in the third degree.

Mr. SARGENT. I will suggest a modification. Before the word "public," in line 9, insert "volume of a," so as to read "no single volume of a."

Mr. FRELINGHUYSEN. I accept the suggestion.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be so modified. The question is on the amendment of the Senator from New Jersey, as modified, as a substitute for the amendment of the Senator from Ohio, [Mr. SHERMAN.]

A division being called for, there were—ayes 13, noes 20; no quorum voting.

Mr. SHERMAN called for the yeas and nays, and they were ordered.

Mr. SHERMAN. I ask that the proposition be read. I do not think the Senate understands it.

The CHIEF CLERK. It is proposed to strike out all after the word "that"—

Mr. SHERMAN. I believe I have the right to accept that amendment, and to save time I will accept it as a substitute for my amendment, and call for the yeas and nays on the adoption of it.

Mr. WEST. No; let us have the vote on this amendment and not have it adopted with the Senator's consent.

Mr. SHERMAN. I propose to have the yeas and nays on the proposition of the Senator from New Jersey. I will withdraw my amendment and let the vote be taken on the proposition of the Senator from New Jersey.

Mr. WEST. Very well.

Mr. DAVIS. Now let it be read.

Mr. MORRILL, of Vermont. I move to amend by adding a proviso to the end:

*Provided*, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. ROBERTSON. Is it in order to move a substitute for the whole amendment?

The PRESIDENT *pro tempore*. That is not in order at present.

Mr. ROBERTSON. I will send to the desk and ask to have read for information the amendment which I wish to propose.

The PRESIDENT *pro tempore*. The proposed amendment of the Senator from South Carolina will be read for information.

The Chief Clerk read as follows:

That an act entitled "An act to abolish the franking privilege," approved January 31, 1873, be, and the same is hereby, repealed; and the franking privilege as the same existed prior to the passage of said act, is hereby restored.

SEC. 2. That if any person entitled to use the franking privilege shall frank any matter or thing other than is allowed by law, or shall allow any person to use his frank for any purpose whatsoever, every person so offending shall be deemed guilty of a misdemeanor, and on conviction before any court having jurisdiction of such offense, shall be fined not less than \$1,000 nor more than \$5,000, and may be imprisoned at the discretion of the court.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN,] which will be read.

The CHIEF CLERK. The amendment of the Senator from Vermont is to add to the amendment of the Senator from New Jersey the following proviso:

*Provided*, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. SHERMAN. Now read the original proposition.

The CHIEF CLERK. If amended as proposed the amendment of the Senator from New Jersey will read:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department or other person entitled to the franking privilege when the law was passed abolishing the same. And the postage on no single volume of a public document shall exceed the sum of twenty-five cents; and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public Document," written or printed on the envelope containing any public document and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" shall be deemed to include all publications printed by order of Congress or either House thereof or of any Department of the Government. And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. CONKLING. I shall vote for the amendment of the Senator from Vermont for the reason that it diminishes the evil of this amendment. The Senator from Indiana, [Mr. MORRIS,] absent at this moment, said by accident or design that I had made an argument which if it proves anything proves that the franking privilege ought not to have been abolished. If the Senator from Indiana heard me make such an argument as that, it shows at least keenness in his ears. If he was able to extract from anything I said an argument like that, it shows what an enormous capacity of mental digestion belongs to that Senator. As I see he is now present in the Chamber, I beg to say to him that I have made no argument in favor of restoring the franking privilege, and no argument against the wisdom of its abolition. I had been voting for the abolition of the franking privilege in Congress about thirteen years at the time when its abolition took place, and certainly I am not in a mood to make an argument against all the votes on the subject which I ever gave.

I said, however, and I repeat, that the promise held out to us in the abolition of the franking privilege had not been kept, because the book-making, and book-binding, and book-publishing still went on; and I think the Senator from Indiana must have heard very much awry what I said if from that he could suppose that I was, under cover or openly, making an assault upon the abolition of the franking privilege.

Now, the amendment offered by the Senator from New Jersey, and approved as I understand by the Senator from Indiana, is the first step paying the way to the restoration of the franking privilege. Unless it be restricted as the Senator from Vermont proposes to documents already in existence; if it is to go on as an allurement, a justification, an implication, that we are to print more documents hereafter, then I say to the Senator from Indiana that if he and I live for a short time we shall see that we have put our hand between the belt and the wheel, and we shall be drawn in from one step to another until in large part or wholly the franking privilege will be restored. By as much as the amendment of the Senator from Vermont makes it take hold of documents which are already printed and

stop there, I say it is a good thing and I shall vote for it. By as much as it is made to go further than that, it is an implication by the vote of the Senator from Indiana and my vote if I vote for it and that of every other Senator who approves it, that we intend that book-making shall proceed hereafter, because such a provision will be very idle unless we are to furnish the books to be carried under the arrangement made.

Mr. President, I say again that I make no argument in favor of the franking privilege at this time. I make no argument against our act in which I have had my full responsibility as the Senator from Indiana says, of abolishing that so-called privilege. I simply contend that we shall adhere to it while the abolition continues, and that we shall not be incessantly frustrating it and acting against the policy which underlies that legislation by feeding out books and feeding out documents in extra numbers to be carried in some way or other through the mail.

Mr. MORTON. I did not intend to misrepresent the Senator from New York.

Mr. CONKLING. The Senator did misrepresent me, although I suppose he did not intend it.

Mr. MORTON. I did not intend it. The Senator made an argument here to prove the hardship and injustice of requiring members of Congress to pay their postage, and showed what a large sum it amounted to, that it substantially reduced our salary to \$3,500 a year, all of which I thought in my simplicity went to prove that the franking privilege ought not to have been abolished. I may have been wrong, but I supposed it proved that if it proved anything.

Mr. President, I do not think that the amendment offered by the Senator from New Jersey is in the line of restoring the franking privilege. It is not proposing to send matter through the mails free, but simply to change the place of payment. Sometimes documents will be sent that will not be taken out. I have no doubt of that, but I think that will not occur very often, especially where men write to you for them, and members of Congress know their people so well that they will not be very apt to send valuable books to persons who do not want them or who are not liberal enough to take them out of the post-office by paying the postage. I think I shall make very few mistakes of that kind. That is not restoring the franking privilege or even approaching it. It is simply to allow our constituents who want the books to pay for them. That is all.

It is only a few years ago that the postage on all letters was paid by those who received them. I believe the reform requiring the prepayment of postage on letters is not much more than twenty or twenty-five years old, perhaps not that old; and yet when letters were to be paid at the other end of the line, that was not called the franking privilege, and it was not the franking privilege any more than this would be to allow public documents to be paid for at the other end of the line.

Mr. CONKLING. Will the Senator allow me one moment?

Mr. MORTON. Yes, sir.

Mr. CONKLING. Can the Senator and I differ about a proposition so simple as this? Was it not one great part of the alleged abuse of the franking privilege that books were published and printed and bound by the Government to be sent out? And if so, is it not a perpetuation of that abuse if we provide for sending such public documents through the mail without prepayment of postage, to be received by those to whom they are directed, for postage merely? Is not such a provision an absurdity for the future unless you presuppose that the books are still to be printed and go out?

Mr. MORRILL, of Maine. Besides that, if my honorable friend will allow me to say a word, they are to go out at very much reduced rates. They are to be a favored class of documents because they are our documents.

Mr. CONKLING. Precisely. In other words, we are to print them for nothing; we are to receive nothing in return; then we are to cheat the mail of the postage in part by imposing a specially reduced rate upon them; and then the recipients of these books are to receive their postal matter at that reduced rate as a favored class when neither the orphan nor the widow can write about a pension without paying full postage rates; and yet my honorable friend from Indiana says that there is nothing in all that, as I understand him, which is inconsistent with the doctrine upon which we undertook to cut up the franking privilege root and branch, with all its variations and modern improvements of seeds, books, and public documents.

Mr. MORTON. Mr. President, the whole substance of that argument amounts to just this: that if we provide for sending books through the mails, the postage to be paid by those who get them, we therefore provide a temptation for ourselves by which we shall be tempted to vote for the publication of a great many books and documents that otherwise we would not. If we carried that principle a little further, it would interfere very materially with everything we do here if we are to guard against temptations to ourselves; the business of book-making will go on, and to a certain extent it ought to go on, because there are certain books published here that if not published here would be published nowhere, that are valuable to the whole country, and that the people in every part of the nation want to get. I think Congress can be trusted as having some little discretion, some sense in regard to the character, the quality, and the quantity of the books that may be published; and because we provide

that our constituents may pay postage on those books it is said that therefore we give way to a temptation for the publication of books we ought not to publish. As far as that is concerned I think there is not very much force in it.

Mr. MORRILL, of Maine. Mr. President, I do not say that this is an insidious attempt, for I know better than that. The Senator who introduces the proposition has no method of that kind in his treatment of public affairs; but I say that the tendency of this movement is to reintroduce the franking privilege; and accompanied by the sentiments uttered on the floor this afternoon I do not doubt and I insist upon it that it is an absolute shame and it ought to shame every man of us to talk about a restoration of the franking privilege in any sense whatever, directly or indirectly. It became a public scandal, and every soul of us here was arraigned throughout the country as participators in it; and this arm of mine will drop from its socket before I give a vote at any time, unless I am instructed by my people directly, to restore that privilege, in whole or in part, in any sense whatever.

I voted for its repeal against my judgment, but it was the judgment of the people that it was an abuse, and when my honorable friend from Indiana asks can we not be trusted, I say no; we were not trusted. No matter how honest we were, we were abused throughout the length and breadth of the land, and the country believed we were guilty of an abuse of this privilege. Did we not put it into our party platforms, did it not go into the platforms of both parties that this practice was a great public abuse? Were we not arraigned everywhere by the press and by local communities? And now we on our knees are to creep back little by little, twenty-five cents to be paid for a document that cannot be carried on the principle that the poor man has his message carried, for less than \$2. What is the justification of that? Twenty-five cents for a document that according to this service will cost \$2, and then next year we shall have to vote out of the people's Treasury six millions to pay the deficiency! Sir, all I have to say about that whenever that proposition is put to me directly or indirectly is, thy servant is not a dog and he will not do this thing.

Mr. SPRAGUE. I desire to make a confession. I wish that I could give a vote to-day that would annul the vote I gave last year in reference to the franking privilege. Foolishly I made a speech at one time favoring its abolishment. Using the idea of the Senator from Maine, I would prefer that my arm should leave its socket rather than I should give a vote to abolish the franking privilege, and there are a good many who will say the same thing when they think of it. I believe that it is necessary for a republican government to have a distribution of intelligence as well as a distribution of power, and I believe that since the abolishment of the franking privilege the people of this country have not communicated with their representatives, that they have withheld their requests, their requirements, their desires, their interests, their opinions, and their views upon public questions growing out of this abolishment. I know there has been no saving to the Government in any respect. There has been no system better than there was before inaugurated in the Post-Office Department. The mere abuse which grew out of matters in relation to the political parties and political questions was nominally nothing in comparison with the cessation of the diffusion of intelligence and free communication between the people and their representatives in a republican government.

We are different or ought to be different in every respect from a government which assumes to be of a different class and character from ourselves. We need the strengthening influences of the people; we need their views; we need their opinions; we need their desires to be made known to us upon all occasions without any check or interference. If I had a vote to give to-day or a hundred votes, I would give them all for the rescuscitation of that law whereby every member of Congress and Senator might have the privilege of sending under his frank anything in the way of communications and of receiving them from his constituents.

Mr. CRAGIN. Mr. President, I am one of those who voted for the repeal of the franking privilege, and like my friend from Maine I voted against my judgment. I had not the slightest idea that there would be any saving to the Post-Office Department or any saving to the Government by the repeal of that privilege. Notwithstanding that I am not in favor of restoring the privilege, especially that part of it which was personal to members of Congress. I am not in favor of restoring any privilege that shall carry private correspondence through the mails; but at the same time I am more opposed to the new franking privilege than I was to the old.

Under the system as it now exists, whereas there were seven heads of Departments who had the franking privilege on official correspondence, there are now more than forty thousand officers of this Government who have official stamps and can use them with the official envelopes just as they please, and there is forty times the danger of abuse under this new franking privilege that there was under the old. Under the old there were about four hundred men, including members of Congress, who had the franking privilege. Now we appropriate \$2,000,000 annually, or we did last year, to print and furnish official stamps to the heads of Departments. They distribute them to the different officers connected with those Departments throughout the length and breadth of this country. The Post-Office Department, which furnishes the greatest number, furnishes to 35,317 officers these



official stamps; and I have myself seen in the hands of a single official of that Department \$1,600 worth of official stamps for distribution among the subordinates. You may tell me that these men are more honest. I admit that they are just as honest as members of Congress; but their number is multiplied by thousands, and if they have not already they will ultimately abuse this privilege and use these stamps for private correspondence. I am told they are doing it now to some extent.

Mr. RAMSEY. Does not the Senator know that all these parties had the official frank before?

Mr. CRAGIN. I know that none of them had it before except the heads of Departments. The heads of Departments and Bureaus could frank official correspondence, and people all over this country could write to them under that privilege; but your more than thirty-three thousand postmasters had not the franking privilege. Your route agents, your special agents, your mail agents of all kinds had not this privilege. They could write to the head of the Department or the head of the Bureau on official business, because they had the franking privilege; but now all they have to do is to pull out of their pocket an official stamp and send it on a letter to anybody they see fit. Look at your revenue officers; look at your collectors of internal revenue and your deputy collectors of internal revenue; they have their pockets filled with official stamps, and they use them on all official correspondence. If they write to a postmaster inquiring if A B is selling liquor or tobacco, they use an official stamp and send one to their correspondent to pay the return postage. This is the new franking privilege that I complain of, and that in the end will raise a storm in this country a thousand times more fierce than the old franking privilege.

Mr. RAMSEY. Here is another repentant sinner like the Senator from New York. [Laughter.] He also voted for the repeal of the franking privilege, and he laments it now.

Mr. CRAGIN. I do not lament it so far as members of Congress are concerned. I would restore it to the heads of Departments, and that is as far as I would go.

Mr. RAMSEY. The Senator says that these parties that he has named had not the franking privilege. They all had the authority to communicate with their official head here on official business without paying postage.

Mr. CRAGIN. Now they have authority to communicate free by using official stamps.

Mr. RAMSEY. Now they put on the stamps; and you limit the amount of that correspondence by the amount of stamps you allow them to have. Before there was no limit at all. You give them so many stamps now, and they cannot exceed the number you allow.

Mr. CRAGIN. I ask the Senator if a deputy collector of internal revenue could write to the postmaster in my own town or any town under the old franking privilege without paying postage? Now he puts on an official stamp if he writes inquiring whether any man is violating the revenue laws in the town.

Mr. RAMSEY. But does not the Senator admit that he must put on an official stamp?

Mr. CRAGIN. Certainly. And can he not put it on a letter written to me or you without anybody knowing it?

Mr. RAMSEY. It would be a violation of law.

Mr. CRAGIN. So it was a violation of law for a member of Congress to allow A B and C D to use his frank.

Mr. RAMSEY. But A B and C D could write ten thousand times a day and put on a frank; but here the officers are limited to the amount of stamps they receive.

Mr. CRAGIN. Early in this session I introduced a resolution in the Senate calling upon the heads of the different Departments to give us a statement of the number of officers in those Departments who were furnished with official stamps. I hold in my hand the letter of the Postmaster-General in answer, and I will read simply the enumeration of the men who are furnished with these official stamps by that one Department:

Postmaster-General.....	1
Assistant Postmasters-General.....	3
Assistant Attorney-General for Post-Office Department.....	1
Superintendent of foreign mails.....	1
Superintendent of money-order system.....	1
Chief clerk of Department.....	1
Chief of division of mail depredations.....	1
Postage-stamp agent at New York.....	1
Postal-card agent at Springfield, Massachusetts.....	1
Special agents.....	73
Railway post-office head clerks.....	343
Route agents.....	917
Mail-route messengers.....	193
Postmasters.....	33,780
Total.....	35,317

Thirty-five thousand three hundred and seventeen officers connected with the Post-Office Department are supplied with official stamps paid for out of the Treasury of the United States, and this is your great reform! So follow it through all the other Departments. Every revenue officer is furnished with these stamps, Navy officers, Army officers, Indian superintendents, and all the officers connected with the various Departments are furnished with these stamps.

I admit, Mr. President, that up to this time there has been very little fraud practiced, in my judgment; but if this system continues

it will certainly grow into fraud. It cannot help it. Human nature is the same now that it ever was and always will be. To show you the beauty of this new system, let me state one fact within my knowledge. A short time ago a correspondent of mine sent to your Treasury Department and requested that a bundle of papers which he had left there might be sent to me for safe-keeping. The Treasury Department forwarded them to me from the Treasury to this Capitol, and the official postage-stamps amounted to seventy-two cents. Seventy-two cents on a package of papers sent from the Treasury Department to the Senate Chamber! They might have hired a boy to do it for fifteen cents, or have put it in the charge of an express for less than twenty-five cents. This is a specimen of your reform.

I wish to say here and say distinctly that I am unalterably opposed to the restoration of the franking privilege to members of Congress for the sending of private correspondence or of speeches or of any campaign documents; but I am in favor of restoring it to the heads of the Departments for the purpose of transmitting official correspondence through the mails. We appropriated last year \$2,000,000 out of the Treasury to pay for these official stamps. In other words, as was said by the Senator from New York, [Mr. CONKLING,] we took so much money out of one pocket and put it into the other. The receipts of the Post-Office Department are swelled by that amount, or nearly, for it costs something to print these stamps, something for the paper, something for the engraving, something for the clerks to put them on, and so much is absolutely lost, except that before the franking privilege was a burden and required somebody to attend to it. I admit that there were abuses under the franking privilege, and I am not sorry that the thing was broken up; but I do believe the time will come when this official-stamp business will be abolished, and when the heads of Departments will be authorized to send official correspondence through the mails free and to receive answers. So much in my judgment should be done.

Mr. SAULSBURY. As the Senator from New Hampshire has been talking about the abuses of official stamps, I wish to call his attention to a statement made by the Senator from Virginia [Mr. LEWIS] the other day, that the stamps now furnished are used for political purposes, and that the parties now having a right to use official stamps are using them not on the official business exclusively, but are using them for political purposes.

Mr. CONKLING. Who said that?

Mr. SAULSBURY. The Senator from Virginia, [Mr. LEWIS,] who has now in his possession documents of a political character exclusively, received with the Government stamp upon them. I wish to call the attention of the Senator from New Hampshire to that.

Mr. CRAGIN. I stated that I believed very little fraud up to this time had been practiced under the use of these stamps. I have no personal knowledge of the facts stated by the Senator from Delaware. I only intimated that in my judgment this system was liable to fraud and much more liable to it than the old system, because it is in the hands of forty thousand men, whereas before it was in the hands of a very few hundred.

Mr. FRELINGHUYSEN. Mr. President—

Mr. LEWIS. Will the Senator from New Jersey give way for a moment? I made a statement the other day during the course of a speech of the Senator from Mississippi [Mr. ALCORN] when he said these stamps were being sent out; I wish now to correct the statement in part that I made then. I then said they were post-office stamps. I should have said that they were revenue-stamps, sent out from the office at Lynchburgh, and I have a number of them in my possession still in my room. Some of them I have lost. They were sent out covering electioneering documents in the last gubernatorial canvass in Virginia.

Mr. CONKLING. Stamps emitted by which Department?

Mr. LEWIS. By the revenue department at Lynchburgh.

Mr. WEST. How could a revenue-stamp carry a document through the mail?

Mr. LEWIS. I cannot tell you; but one came to me, and afterward a number to officials. I have them in my possession.

Mr. WEST. That must be a mistake. A revenue-stamp will not carry anything through the mail.

Mr. LEWIS. If the Senator from Louisiana wishes to see them I will bring them up in the morning. They came through the mails to me and to others marked "official business," when there was no official business in them.

Mr. CONKLING. May I understand the Senator now? Does he mean that the stamp he saw upon those documents was a revenue-stamp so called, or does he mean that it was a postage-stamp issued to the Revenue or Treasury Department?

Mr. LEWIS. That was the character of the stamp.

Mr. WEST. The Postal Department does not issue any stamps to the Revenue Department.

Mr. LEWIS. I said most distinctly that they were not post-office stamps, but stamps issued to the Revenue Department, and sent out by the secretary of a political organization at Lynchburgh.

Mr. FRELINGHUYSEN. The Senator from Maine [Mr. MORRILL] said that whatever was the design of this measure, its effect was to reintroduce the franking privilege. There is just where I differ from him. If I wanted to restore the franking privilege to the country, I would make every possible inconvenience to grow out of it: I would

make everybody dissatisfied with the abolition of that franking privilege. Then it might be restored, and that is the policy which is adopted if we refuse to afford any facility for the distribution of public documents. The franking privilege being abolished will create little inconvenience to the country if you adopt this measure, and there will be no disposition to restore it. The people of the country will find that by paying a moderate and fair postage they can receive the publications of the Government. The idea that the effect of this measure is to continue book-making and book-publishing, I think is very far-fetched. Does anybody expect that this Government is going to give up book-making and book-publishing? Are not the reports of our Treasury Department, and Agricultural Department, and the messages of the President to be disseminated among the people; and must they not be printed?

I hope that the amendment of the Senator from Vermont will not prevail, for after this measure expires as it would by his limitation with the circulation of the documents already ordered, this whole subject is again revived, and then there is a cry, "Give us the franking privilege." Let us have done with the franking privilege; but to accomplish that we must have some convenient mode for distributing these public documents. The idea of the Senator from Maine that we ought to charge the people of this country \$2 a volume to get information as to what is being done in their Government seems to me so far-fetched, so extreme, that it can hardly meet his own approval and judgment.

Mr. FLANAGAN. Mr. President, this earnest debate must contemplate something, but I can scarcely arrive at the point. Surely it does, particularly when we look around and see from whence it arises. In the first place the distinguished chairman of the Committee on Finance introduces an amendment. Directly thereafter a distinguished member of the Judiciary Committee introduces one. Previously—perhaps I am going too fast—my distinguished friend the chairman of the Committee on Privileges and Elections introduced one.

Mr. MORTON. That was a good while ago.

Mr. FLANAGAN. Yes; I put you wrong; you came early. On my extreme left the distinguished Senator from South Carolina [Mr. ROBERTSON] introduces one. Now, what do they all tend to? What is contemplated? Is there any dissatisfaction abroad? This is a post-office appropriation bill which is before the Senate, and on it properly arises this vexed question of the franking privilege. We see that in its various shades here. We see distinguished Senators coming up and acknowledging candidly that they voted for the repeal but recently and they confess their error. I voted for that repeal. I voted for it understandingly, and at the time announced clearly and distinctly that we would get in just the difficulty that now surrounds us. I recollect telling my distinguished friend from New York that the voice of this mighty people would uprise and demand the restoration of it just as readily as the citizens of the great city of New York that he represents so ably would cry out for water if the Croton River was cut off from them. The people of this mighty nation require information, and they will have it.

I may be told and I am told sincerely, and it is thus understood by the distinguished Senators introducing the amendments, that they are candid and that the measures they propose do not tend to a restoration of the franking privilege. I cannot understand them so, and yet it is so understood by them. Really the most candid amendment that is proposed here is by my friend from South Carolina. There can be no caviling upon his proposition. It is one thing; it is not the one or the other. There is no intermediate proposition in it. It is simply a restoration of the franking privilege, and I assure you that I have no hesitancy in saying that at no distant day that will prevail. It may not be ripened now, but we see the dissatisfaction there is abroad generally, and the question will be canvassed here until it will cost the United States large amounts of money regularly every session until it is done.

But, Mr. President, there is an idea that I want to keep in line with, and that is consistency. The Post-Office Department is one great arm of this mighty nation; millions are contemplated in that branch of the Government. It is necessary to systematize it. In the absence of system it would engulf this nation in bankruptcy. It has been the object of the Postmaster-General, the able head of this branch of the Government, to systematize it. He has labored hard to do it, and, I think, well has he performed the duty; and that system as adopted up to this time requires the prepayment of postage, and I think it ought to be strictly adhered to until it is proven conclusively that it is working wrong; and whenever that is apparent, the sense of the Government through its representatives will demand a change, and then it may be made. Until that shall be, I am directly opposed to any inroads being made upon it, any qualifications in any way, manner, or shape to the very smallest or the very largest volume of letter, paper, or what not. Let prepayment prevail, and then it will all be simple and move on harmoniously; and that is just what is not now being proposed. Postage prepayment is required in almost every instance; and yet a qualification comes in here, and how long will it be before another one will be presented, and then this precedent used, and the next will prevail, and thus we shall go on from time to time.

I for one shall vote against every one of these amendments; but if the Senate are now ready to come back to where they originally were

and where they would have remained but for the cry from the people, as it was said, broadcast through the country demanding a repeal of the privilege, be it so. It never was any privilege, as has been well said by Senators right and left. I for one will stand by the present programme clearly and conclusively; but if the Senate is ready, I would be ready to accept the amendment of the Senator from South Carolina and restore the privilege in full, *in toto*, without equivocation; but until that time comes I am opposed to all these amendments that make inroads upon the present system.

Mr. CONKLING. Some uncertainty has arisen about a matter which I ask unanimous consent to correct in this bill, which I can do in a moment. We have had in one bill, and I think in two, a provision obviating the necessity of printing in the newspapers officially all the revised statutes of the United States, the codification of the laws. Precisely what has become of that provision in the one or two instances in which it has been introduced, where it has been lost between the two Houses, after a somewhat diligent search several of us are unable to learn, and therefore I ask, although there is an amendment pending, to be allowed to move an amendment which I will read, as an additional section to this bill:

SEC. — That the revised statutes of the United States shall not be published by the Secretary of State in newspapers, anything in existing laws to the contrary notwithstanding.

I am told that it will cost about half a million dollars to print these laws in newspapers. This amendment is simply to obviate the necessity which might otherwise rest upon the Secretary of State, to hand over this great body of laws to be printed in the newspapers.

Mr. SARGENT. I think all laws requiring the publication of the statutes in the newspapers are repealed. That is my impression.

Mr. CONKLING. That was my impression; but I have received a communication from the executive department to-day saying that no such thing has come to the President to sign; they have been looking at the bills, and if it appears anywhere in a bill to which both Houses have agreed, it has passed the finding out of two or three persons.

Mr. SARGENT. By a law of the last Congress I think—the Senator will find it in the statutes, or I think I can find it for him—that was done. I have no objection to the amendment; but I think the repeal was attached to an appropriation bill during the last Congress.

The PRESIDING OFFICER, (Mr. INGALLS.) Is there objection to the amendment suggested by the Senator from New York? The Chair hears none, and it will be considered as agreed to. The question recurs on the amendment of the Senator from Vermont to the amendment of the Senator from New Jersey.

Mr. SHERMAN. I understand the question is on the amendment proposed by the Senator from Vermont to that of the Senator from New Jersey. When I offered the proposition originally to allow the postage on public documents to be collected at the other end of the line, I did not suppose it would raise the question of the restoration of the franking privilege. For many years I voted for the repeal of the franking privilege, and I certainly would not vote to restore it under any circumstances whatever. The people of the United States believed that that was a personal privilege to members of Congress, a right to send their letters free of postage, to whatever subject they might relate, to anybody they chose, giving the same right to them to receive all letters free, whatever might be their contents. That was a personal privilege that I was very glad to see abolished. But to call this a restoration of the franking privilege, as the Senator from New York did, seems to me is a denial of the truth. What is this? I have now in the document-rooms perhaps one thousand volumes of public documents printed at the public expense. They are nothing to me. I do not want them. I have all of them that I desire. What shall I do with them? The duty imposed upon me is to send them to my constituents. I am trying to do it. I send them at my expense or at the expense of somebody through the express to the persons who need them or to anybody who desires them. Still I have great quantities of them, and perhaps one thousand volumes of these books now lie subject to my order in the vaults of this Capitol building. It will take half of my salary to send them, and I will not do it. Senators around me while this debate has been going on have said to me that they did not know what to do with their public documents. I introduced a proposition under these circumstances, to do what? To restore to myself a personal privilege? To restore to myself the right to frank documents and books and papers to whom I chose, for my own benefit or advantage? Not at all; but a simple proposition that my certificate upon the back of a public document printed at the public expense should carry that document precisely like newspapers, pamphlets, and gazettes have heretofore been carried to the people, subject to the payment of the postage at the other end of the line. Is that the restoration of the franking privilege? Not at all. It is no privilege to anybody. It is a privilege that every citizen of the United States of America this day possesses on every printed newspaper, on every printed pamphlet, on every printed book, on every printed document that can be imagined; and the law to-day is that any newspaper, any book, except obscene books, any paper or pamphlet can be sent through the mail by the editor or the publisher or the maker of that book to be delivered at the other end of the line on payment of the postage there.

Mr. WEST. The Senator is mistaken. Nothing but newspapers can be sent without prepayment, and then only to a subscriber.



Mr. SHERMAN. They constitute the great mass of the matter. Some one here said that 76 per cent. of mail matter was newspapers and pamphlets. Three-fourths of the whole mail matter of the United States are now carried to be delivered to subscribers in remote places, the postage being paid at the place of delivery. How ridiculous it is to say that this is a restoration of the franking privilege. Nobody gets this mail matter free of postage; every one who receives it has to pay the postage on it, but simply my certificate carries a document to the man who has to pay the postage, and all the privilege I have is to designate the man who is to receive it. It is no privilege whatever. What will you do if you do not adopt this proposition or some means of distributing these public documents? One of two things must inevitably occur: either you must stop the publication of all information by Congress, stop the publication of all books whatever, however important it may be to carry that information to the people, or you must accumulate them in this Capitol building mountain-high, because there is not one Senator of the seventy-three here to-day who will send out the documents at his expense to the people. He cannot afford it. You have either got to abandon the publication of all documents, or you have got to carry them through your mails in some way and deliver them to the people.

I say that this proposition is a fair one. It simply carries these documents, like newspapers are carried to-day, to the men to whom they are directed, requiring them to pay the postage, or if they fail to do it, they are to be sold at not less than the postage. I have one objection to the proposition of the Senator from New Jersey, that he makes a discrimination in favor of public documents, that he requires them to be carried at a less rate than other printed matter is carried. In my judgment they ought to bear the legal rate of postage, no more and no less.

As to the proposition of the Senator from Vermont, that is a privilege in favor of ourselves. We are willing to provide for the distribution of our documents, but we are not willing to provide for the distribution of the documents of our successors.

Mr. MORRILL, of Vermont. If the Senator will allow me to explain, I think he rather misinterprets my purpose. These documents have been previously ordered to be printed by Congress. Being on hand, rather than throw them away I would allow them to go at this low rate of postage; but I am utterly opposed to printing any more for distribution.

Mr. SHERMAN. That is half true. That is to say about one-half of these documents were ordered to be printed before the 1st of July last, before the repeal of the franking privilege took effect.

Mr. MORRILL, of Vermont. Nearly all, I think.

Mr. SHERMAN. I think not. A great many have been ordered to be published under laws, and every day the question is presented to us. The Senator from Rhode Island [Mr. ANTHONY] has reported resolutions I think to print documents without number, and we have kept him back simply because there was no law providing for their distribution. To-day while this bill has been pending he has introduced a resolution to print five thousand copies of a single book contained in two volumes, or ten thousand copies, to be sent to whom?

Mr. MORRILL, of Vermont. Not for our distribution.

Mr. SHERMAN. Certainly; the report of the Select Committee on Transportation, the report of a committee of this body, to be distributed by members of Congress. You must meet this question. You must either stop the printing of all public documents or you must provide some way of carrying them through the mails. As it is now the Post-Office Department gets no benefit from printing these documents; they do not get any postage whatever upon them, because they are sent usually by express. The repeal of the franking privilege was a great blessing to the different express companies in the land, but the Post-Office Department does not get any revenue from it. Nobody is foolish enough to pay the Post-Office Department twice or three times the cost of carrying this mail matter by express. As I stated the other day, the Postmaster-General under the law charges for transporting a single copy of the Globe of the last session of Congress from this place to the State of Ohio \$2.40, while Adams' Express freely delivers it to anybody for a quarter-dollar a volume. The result is that books published at the public expense, printed by the Government, paid for by the people, cannot be transported through the public mails, but they are freely transported through private express companies and delivered to the people at a little more than one-third the cost of carrying them through the mails.

There is no connection between this subject-matter and the franking privilege. I beg Senators not to take the shadow of an unpopular name—the franking privilege—and cast it upon that which provides for some mode of distributing public documents. If this is voted down, then the next question comes up directly we must print no more books at the public expense; we must not convey to the people knowledge of what we do; no information will be conveyed to them except that which is contained in the daily papers. It seems to me that some such provision as that now pending ought to be adopted. When I offered the proposition I had no conception of raising the ghost of the franking privilege.

One other consideration. Just as sure as fate, unless you provide some mode of distributing these public documents, the franking privilege will be restored; the people will demand it. They will have these documents; they will have some means of obtaining information of what is going on here more than is obtained by them through the daily prints; and they ought to have it. The defeat of

this proposition, which will give them the advantage of the public documents at the mere cost of postage, will unquestionably lead to the restoration in some form of the franking privilege, and that I do not desire.

Since this matter has been pending Senators have intimated to me that they intended to vote for this proposition as a means of preventing the restoration of the franking privilege, and no doubt that is the logical shape of the question. If you do not provide some mode of distributing these documents it will lead to a restoration in a qualified form of the franking privilege. By this mode the Post-Office Department will carry these documents to the people to whom they are addressed by members of Congress, the Post-Office Department will get the benefit of the revenue derived from transporting these documents; otherwise this revenue will go to the express companies, until finally, on account of the difficulty of distributing them, we shall cease all publications and leave all this mass of matter dead, without the ability on the part of any one to get these documents.

The other day the Senator from Rhode Island [Mr. ANTHONY] tried to pass a bill which authorized the distribution of the public documents to be paid for by the people, and that was defeated by being loaded down with a proposition to carry these documents free through the mail, and so it will be again. I shall therefore vote for the pending proposition without hesitation.

Mr. SCOTT. It seems to me this proposition of the Senator from Ohio is simply an expedient for clearing out the crowded rooms in the basement of the Capitol of the large accumulation of printed matter that is there. Now, shall we do this, and thrust these documents upon an unwilling people? We are within two weeks of the expiration of the first year of the abolition of the franking privilege, and we find ourselves skirmishing around this question of the restoration of the franking privilege; for all these subterfuges or expedients are nothing more than an attempt to anticipate this question of the restoration of the franking privilege, and we may as well view them in that light.

I do not care what you call it; whether it was a surrender of judgment to a storm of popular prejudice, or a yielding to the will of our constituents, or cowardice, or whatever it was, in response to that demand which came pouring in upon us through the Postmaster-General's Department we did abolish the franking privilege. The people told us they did not want documents at public expense; and now, before the expiration of a year, we are called upon to send them out to them; they must take them *volens nolens*; and the argument is even made by the Senator from Ohio that there will be a great dearth of intellectual light among the people if we do not get out among them the very thing they told us they did not want us to send them. We responded to their demand a year ago and said, "You shall no longer be burdened with receiving documents with our frank which you do not appreciate and which you do not care about."

Now, sir, I am for taking the people at their word. The law has been in operation nearly a year. Has there been a petition laid on our table from any quarter, from Maine to Texas, asking us that we again send the people public documents at public expense, or at their own expense? Has there been one? I say that until the people again move in this matter I shall stand exactly where we put ourselves by the abolition of the franking privilege; I will impose no more documents upon them, and I will continue to pay my postage and theirs too when they write to me, for I have a great deal more of theirs to pay than I have of my own. It generally takes about three times as much to send an answer back with three or four inclosures as they pay to get a request to me. I shall vote to continue the law in that condition until we have some evidence of a change of that public sentiment in response to which the franking privilege, or burden, or whatever it was, was abolished. I shall vote against all attempts to get around the abolition of the privilege; all attempts to approach it by insidious means, and forstaying exactly where we are until public sentiment tells us that the people do not like this system that we have adopted in response to their former demands.

Mr. CARPENTER, (Mr. INGALLS in the chair.) Mr. President, I frequently lose my patience when I speak on this subject, but I am always amused when I hear others speak upon it. I do not know anything more delightful than to sit here and hear the confession of faith and of sin, mutual and reciprocal, on the part of those Senators who voted to abolish the franking privilege. It is rich beyond comparison.

The Senator from Pennsylvania [Mr. SCOTT] is not going to send the people any documents until the people demand a change of the present system. Let us introduce a section in this bill directing the Postmaster-General to send out circulars to every postmaster of the United States, and solicit the people to send in petitions to restore the franking privilege, and we shall get an expression of public sentiment by the next session that will be perfectly astounding.

Mr. SHERMAN. They will have to pay the postage on them.

Mr. CARPENTER. No; we can provide by law that these circulars shall be franked as the others were. The Senator from New Hampshire [Mr. CRAIG] suggests that official stamps will do just as well.

I went home to Wisconsin just after we had abolished the franking privilege last year, and I met a man of exceeding good sense on all things. He wanted to know what on earth we meant by abolishing the franking privilege. I said I thought the people demanded it. Said he, "What made you think so?" I rejoined: "If you could see the petitions that were piled upon the Secretary's desk every

morning hour of the session you would think they were demanding it." Said he, "How many do you suppose there were in all petitioning for the abolition of the franking privilege?" I replied: "I do not know; perhaps a million, or two millions." "Very well," said he; "did you hear anything from the other thirty-eight millions?" I call the attention of my friend from Pennsylvania to that point.

Mr. SCOTT. But the one or two million were all voters.

Mr. CARPENTER. We have got five million of voters. The three million did not say anything about it. The presumption is, as they were teased and coaxed and seduced by the postmasters to sign these petitions and yet held their peace, they did not want the franking privilege abolished. Is not that the fair and logical inference?

I congratulate my friend from Ohio for having attempted by what my friend from Pennsylvania calls a subterfuge to undermine that abolition. I go for all subterfuges in that direction. I go for every measure which is a fraud on that act. I go for every proposition made by anybody here to override it. I go in a word for what I believe to be a sound principle, that the people of this country have a right to be furnished with information as to what is being done in these two Houses of Congress and in the Executive Departments of the Government.

What is the meaning of what we have heard from childhood, that free institutions are based upon intelligence, if we who for the time being and to the extent of our jurisdiction are guardians of those institutions suppress all original information? And yet the Senator from Vermont says that was the only reform that was accomplished by the abolition of the franking privilege, and he wants to choke the matter down still closer and hold it so that Congress shall publish no account of its proceedings.

I want to know what would be the effect upon our institutions of Congress sitting here as a secret conclave? If this doctrine is sound, why not go a step further and sit here, as the Senate in the early days of the Republic used to do, with closed doors? Then the people could not find out why we did things. They might see what we did, because they would see the laws that were passed, but they would know nothing about the reasons for them. What would be the effect of such a proceeding upon Congress to-day? Is there a Senator here who would vote to sit in legislative business with closed doors? How long would the Senate maintain its standing with the people if that were done? We all know not a month. It would become from the very fact that it was a secret institution a suspected institution.

Now, is it not in the same direction, though not as far, to say that you will not publish and distribute any information as to what you do? Every proposition here to cut off the means which the people have enjoyed of informing themselves about the nature of our proceedings is in the direction of closing our doors. If this be sound in principle, closing our doors is only a little sounder, because it insures greater secrecy.

The Senator from Ohio says also that he sends his documents by express. I stated the other day that I did so, and I was brought up by my friend from Vermont, [Mr. EDMUNDS,] who informed me it was a criminal offense to do it. I shall offer an amendment to this bill when it comes to the proper time, and I ask this as a great favor, appreciating how improper it is for a Senator to offer any proposition which is in his favor, in these words:

That any member of Congress may send public documents printed by order of either House of Congress, or of any Department of the Government, to any of his constituents by express or otherwise outside the mail.

I do not want to go to the State's prison for doing that thing, and my friend from Vermont says I am liable to be imprisoned for what I have done, because these documents as they are put up are sealed packages of printed matter and cannot be sent outside of the mails. I have not had time to examine the post-office laws; I do not know whether he is right or wrong; but I do want to make the thing clear hereafter. I have sent off packages enough by express to keep me in jail longer than I have been in the Senate. [Laughter.]

Mr. SARGENT. Mr. President, what are we complaining about? Did we not know just as well a year and a half ago when we abolished the franking privilege that the Postmaster-General had sent out circulars to the people in favor of its abolition, and that these came back here signed? Did we not know just as well when we took that step as we do now the source from which those petitions emanated, and under what influence they were signed? It does seem to me, if we were controlled in our actions by those petitions at that time, and the Senator from Wisconsin admits we were, that we should not now complain of it. If it was not manly to be so controlled in our action, we should not have been so controlled.

Sir, I think that the demand which was made upon Congress at that time by the people for the abolition of the franking privilege was intended by them, and that those who did petition Congress represented a great many others who did not sign their names to those petitions. Whether the public were wise or otherwise in this matter, I have no doubt there was a general sentiment among the people of the country that we were doing some very enormous things under the cover of the franking privilege; that we were sending old boots and shirts and articles of furniture through the mails free, and they supposed other absurd things with reference to the abolition of the franking privilege. They had been taught that this was so month after month by the opponents of the franking privilege; not by the Postmaster-General, for I do not know that he ever made any misrepresentations about it, but

by some members of the press, either designedly falsifying the facts or being themselves uninformed, and consequently an opinion had grown up in the country and prevails yet that the franking privilege was a great abuse and ought to be abolished. I have no doubt that when our convention met in Philadelphia—I speak now of the republican, and I believe the other convention passed a similar resolution—and resolved that the abolishment of the franking privilege was a reform that Congress ought to enact, they really spoke for their constituents, and that their action bound us.

I do not feel like complaining at this day that we followed the requests made to us regularly or irregularly by the people. I do not sympathize at all with my friend from Wisconsin when he gets up here and complains that we were whipped by unfair means into performing an unpalatable job. We did it, and let us stand by it. Let us stand by it long enough at any rate to give it a fair trial.

I insist that there have been some advantages in the repeal of the franking privilege, not perhaps in cheapening the carrying of the mails, but in cutting off a large amount of useless printing, for a great deal of the printing which we do is useless, is not interesting to the people. The extra documents which we send out are, nine out of ten, without any interest to them. I do not believe they would pay for the postage on them under the amendment of the Senator from New Jersey. The amount saved of printing of this kind during the present Congress has been more than the cost of printing the CONGRESSIONAL RECORD, and that is hundreds of thousands of dollars, and more than the cost of the printing of the Congressional Globe heretofore has been. We have had printed all we desired for the use of Congress, all the ordinary documents, all the reports that come in, everything which gives us information; and we have had quite a large number of volumes of a more interesting character for distribution by the Departments or by ourselves where we desired to do so. Everything that seemed to be valuable and necessary to get to the people we certainly have printed; but we have cut off the extra printing of dull, prosy documents, of columns of figures which nobody cares for, except to know that they are in existence and by some exertion he can get at them, which are seldom referred to, and when referred to are valuable provided they are kept in the Library of Congress or in the document-room and are accessible; but for popular reading among the people they are of no account whatever. This class of printing we have cut off very largely under the abolition of the franking privilege.

Furthermore, we have cut down the cost of carrying the mails under the amendment which we adopted to the postal code last year which provided that the amount of compensation should be regulated according to the amount of weight carried by railroads. If you now restore the franking privilege and cast upon the mails the enormous bulk of matter which used to go free before, you necessarily lift up the cost according to the amount which you may print, and you necessarily incur furthermore the greater expense of running your Public Printing Office.

These are advantages not so great as those which were predicted would follow from the abolition of the franking privilege, but they are advantages of great importance. We save in both directions. We probably have saved to the Treasury by means of the abolition of the franking privilege in these two respects about a million and a quarter of dollars. It seems to me that is a reform which is worth the change of the law we made.

Mr. CARPENTER. Will the Senator allow me to interrupt him?

Mr. SARGENT. In one moment. I know it is inconvenient to Senators to be compelled to pay postage on all their correspondence. It is very inconvenient to myself to answer at my own expense somewhere from a dozen to twenty letters every day upon matters which do not interest me a bit, written on public business or business of my constituents; my own letters perhaps not averaging one a day on my family affairs or my own private business, while I must write fifteen or twenty relating to my constituents. I think this is an unjust tax upon me, and I would cheerfully vote for a provision which would place an amount of official stamps at the control of members of Congress to be used on their honor for answering or writing letters which relate to public business in the same manner that you allow the President or a Cabinet minister to use stamps for public purposes; but I would not restore the franking privilege, so that the signature of a Senator or member put upon paper or parchment could send anything, public or private, free through the mails. I think it is liable to abuse and that it has been abused, not by sending old boots or articles which are not allowed to travel through the mails by the policy of the law, but by sending millions and millions of documents in political campaigns, in presidential elections, which ought to be paid for by the different political parties by honest and fair assessments upon themselves and which the people generally ought not to be burdened with, and the various other matters for which the franking privilege was used aside from its usual purpose.

Now, I will yield to the Senator from Wisconsin.

Mr. CARPENTER. The Senator has passed the point to which the question related, but it was this: If we save so much money by ceasing the printing of the documents he referred to, why not carry it a step further and not print the RECORD at all?

Mr. SARGENT. Extremes never prove anything. I believe in printing for the use of Congress every report of a committee, because we need that to refer to, we need it in a convenient form to be bound



up and referred to fifty years hence; but I do not believe there is a necessity for sending the report of that committee under every Senator's frank all over the country, because it would not be interesting, except in a few cases.

I further believe that it is necessary for us to print our bills. It is the most convenient form for reference; it is the cheapest printing we do, as it tends to secure accuracy of legislation. I believe it is necessary and highly essential that we print the CONGRESSIONAL RECORD, in order that we may have the means to refute any misrepresentation as to words that may be said in debate on this floor. I think that is a legitimate expenditure of money. Therefore I reply to my friend from Wisconsin that while I am in favor of the entire abolition of the franking privilege, yet it is only the cost of printing these extra copies, which we have cut off, we have saved.

Mr. ALCORN. Mr. President, everything that can be said on the subject of the amendment now under discussion has been said except on one point, in which there is an outlook on this subject which I feel it my duty to call to the attention of the Senate. I stand here either for or against the franking privilege. I think when Congress undertook to say that the franking privilege should terminate it should not have stopped short of the full adjustment of the question, so that no person, no official in the Government, should have had the privilege.

I stated the other day that under the franking privilege as it existed before the abolition two sessions ago, while there were abuses it was a good means of disseminating intelligence among the people, and that neither political party, no odds who was in power in the nation, could monopolize the privilege that was thus secured; that the minority party in the nation had the full benefit of the franking privilege, and through its means they could disseminate information to every portion of the land; and that while there were abuses in this privilege, the privilege had its compensations nevertheless.

But how is it now, sir? The franking privilege belongs now to the party in power, and whatever party may in the accidents of the fluctuations of political fortune in this country hold possession of this Government, holds a lever, an engine by which it can disseminate information favorable to its own interest and suppress information, or at least tax all information that is opposed to its interest.

You have thousands and tens of thousands of men, as the Senator from New Hampshire said in his forcible presentation of the facts to the Senate; yes, sir, more than forty thousand men in this country who have franks issued to them at the expense of the Government; and thus it is that the people are cheated with the idea that the Post-Office Department foots up a credit when in truth and in fact it is simply taking money from one Department of the Government and giving to the Post-Office Department, charging the Government with the expense of printing stamps. Why do you charge the Government with the expense of printing these stamps? Why is not the frank of the different Departments as good as the printed stamp? It costs less. It only requires a little ink, a pen, and a little muscular exertion in order to write a frank on the back of a letter or document; but here you go a roundabout way, having stamps printed at the expense of the Government, and then give the officer a stamp to carry in his pocket and use precisely as he pleases, the people all the while being told that the franking privilege is abolished!

Sir, the franking privilege is not abolished. It exists to-day in a more odious form than ever before in the history of this nation. The franking privilege exists to-day in a form that will work corruption in this nation and will give a control, whenever the party in power sees proper to exercise it, that will be felt throughout the length and breadth of this land.

But, sir, I did not rise to speak at length on this subject. The point I wanted to make was this: that less than twenty years ago the measure that the Senator from Ohio or the Senator from New Jersey now proposes was the law of this land with regard to all documents. No prepayment of postage was required then under the post-office law of the Government. Letters were sent without prepayment. In truth and in fact it was not the law of the case to prepay letters. Letters, books, documents, everything was sent without any prepayment of postage at all. The franking privilege at that time existed.

When the revolution ended the Government found it necessary to increase the elective franchises, the Government found it necessary to invest with a share of the political sovereignty of this nation four millions of people who had led a life of slavery. The theory of our government is that republican institutions are based upon the virtue and rest upon the intelligence of the people; but when the war had ended and we had received into the body-politic and made citizens of four millions of people who had been slaves, who were without property, who to-day depend upon the labor of their hands, upon their own muscles and the sweat of their brow for the bread they eat, and when these people required the light of intelligence and that information which belongs to the nation to be disseminated among them, as it had been disseminated among the white people time out of mind; when that necessity arose and stared Congress in the face to disseminate information among these people, straightway came the Postmaster-General with his contributions from these people of the country and demanded of Congress that the franking privilege should be abolished. And now here to-day we are told by a Senator on this floor that every book that is sent out from this Capitol ought to cost the man who gets it two dollars. The prosperity of the State which I

have the honor in part to represent depends in a great measure upon the intelligence of the colored people of that State; for weal or for woe the fortunes of the Southern States depend upon the people who are in that country, colored as well as white; and yet to-day when they are stricken down by the hand of war, when you have uplifted by the power of the nation the colored race, and the white people are stricken down into the lowest measure of poverty, you come here and repeal the franking privilege and say to them, "If you get a book from this Government that is printed at public expense you must pay two dollars for it."

Why, sir, look at it. If I were anywhere else but in the Congress of the United States, if I stood anywhere except in the presence of Senators, I would say there was a degree of humbuggery in this sort of legislation that has never been excelled, that is insulting in truth to the intelligence of the people of this nation. I will not say that, however, because I am in the Senate, and I know that cannot be; but if I was upon the hustings I would proclaim it, and the people would believe me.

The honorable Senator from Maine, for whose opinions I entertain the very profoundest respect—he is always logical, eloquent, and powerful when he undertakes to discuss a question before the Senate—tells us that before this franking privilege was abolished Congress was slandered, and that we all stood here abashed by the slanders uttered by the American people against Congress on account of this franking privilege. I beg to inquire whether the reputation of Congress has been very greatly promoted by reason of the abolition of the franking privilege. I appeal to the Senator to know whether there is any large improvement in the character and standing of Congress before the American people to-day. If there is any very great improvement I have not been able to discover it. I do not read the newspapers of the country correctly as the medium of intelligence if the character of Congress before the people of this nation stands very greatly improved.

I am correct in the supposition that there has been no very great improvement in that regard; my argument is somewhat strengthened when I appeal to the Senate to permit my constituents to receive documents, published at the expense of the nation, necessary to be published for information among the people. The Senator from California says that he wants the CONGRESSIONAL RECORD published so that he can stand vindicated if he should be charged with having done that which he did not do. He wants it for his own benefit, his own advantage, his own protection. He wants to bear it away with him as a shield, as a protection, so that if he is charged with having done a wrong he can pull out the Record and say, "No; it is not true; here is the record of what I did." I apprehend that is not the design and purpose of publishing the CONGRESSIONAL RECORD. The CONGRESSIONAL RECORD is published for the benefit of the people, for the purpose of disseminating information among the people; and that is the cause that moves the publication of all public documents by the Congress of the United States, not especially for the benefit of members of Congress, but for the purpose of disseminating information among the people of the United States, of disseminating knowledge, of increasing intelligence, of preparing the people more and more for the great responsibilities that rest upon them in upholding the republican institutions of the country.

Sir, I go for the restoration flat out of the franking privilege. If I cannot get that, as I know very well I cannot, then I go for the next best thing, and that is no privilege at all; that is, to take off the privilege from the Departments, because I say to you that that infamous system which is now being fostered and cared for and maintained will in the end develop into a power for evil in this country that will be felt throughout the land.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The question being put, a division was called for; and the yeas were 21—

Mr. MORRILL, of Vermont. We may as well have the yeas and nays first as last.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. A single word. As this is unquestionably the point of departure as to whether we shall revive the franking privilege or not, I desire to see a record of the vote. This proviso that I have offered simply provides for getting rid of the documents that were left over to use from previous sessions of Congress. I do not understand that we have to any considerable extent proposed at this session to print documents for distribution. Therefore, if the amendment offered by the Senator from New Jersey is to be adopted, I propose that it shall be limited to the documents now on hand.

Mr. HAMILTON, of Maryland. Mr. President, I am one of those who did not give very much heed to the petitions that were sent in here in favor of the abolition of the franking privilege. I voted on all occasions against its abolition. I know that on two or three occasions, whenever I was present and had the opportunity to do so, I voted against its abolition. I knew and felt at the time that there were great abuses in the system, scandalous abuses, and I desired their correction and a modification of the privilege; but that is a very different thing from voting for the system now and upon this bill.

I think it proper to state that I shall vote against anything looking

to the modification or the restoration of the franking privilege upon this bill. It is a measure of sufficient importance to justify a bill by itself, and I trust, if the public sentiment of the country has changed so as to demand a return to the franking privilege, that those gentlemen who heed this change of sentiment will introduce a measure calculated to that end. But upon an appropriation bill at this late period of the session to undertake to restore the franking privilege I consider unjust, unwise, and impolitic in every aspect of the case. It is a question that we should consider, and fairly consider by itself. We should avoid the scandalous abuses of the system when we undertake to re-establish it in a proper way and in a proper manner. Now, if I understand the amendment of the honorable Senator from New Jersey, it is impliedly or unqualifiedly restoring the franking privilege as it stood before.

Mr. FRELINGHUYSEN. Not at all.

Mr. HAMILTON, of Maryland. If I understand the amendment proposed by the Senator from Vermont, it is to qualify that so as that it may relate to the books already published and upon hand when the abolition of the privilege took place. I should be opposed to either proposition, but I prefer the last as a qualification to the first. Let us stand by the system as we inaugurated it until the sentiment of this Chamber and of Congress and the public sentiment shall induce us to consider the whole question in a separate measure in order that we may evolve out of this chaos of confusion something definite, something correct, and something right; and then I am sure my honorable friend from Mississippi will be dealt with fairly, and his constituents, too, to whom he desires so much that information shall be sent from this body. I hope they may have the benefit of everything that is right in the premises, and that he shall have no further cause of complaint.

Mr. FRELINGHUYSEN. I only wish to say a word. The Senator from Vermont and the Senator from Maryland both state that the amendment which I have introduced is restoring or tending to restore the franking privilege.

Mr. MORRILL, of Vermont. The book-making business I should have said.

Mr. FRELINGHUYSEN. That is a statement so wide of propriety that I feel bound to contradict it. Any person who wants to restore the franking privilege will make its abolition odious to the people by withholding from them all ability to get at the proceedings of Congress or of the Government. If you adopt this measure, so that for a reasonable compensation, twenty-five cents a volume, they can get that information, they will not want the franking privilege restored.

My friend from Vermont qualifies what he said and says that it tends to the establishment of book-printing. I hope the day will never come, unless it be that day when, as the Senator from Wisconsin suggested, we shall sit here with closed doors, when we shall stop book-printing. The people of this country have a right to know what transpires in the various Departments of the Government, what transpires here in Congress, and that information can only be given to them by a system of the economical dissemination of public documents.

Mr. MORRILL, of Maine. It does not follow as a matter of course that if you do not adopt the proposition of the Senator from New Jersey documents such as Congress may print in relation to the current affairs of business will not be accessible to the people. The proposition of the Senator from Rhode Island, the chairman of the Committee on Printing, is one which would furnish the people all the documents which they desire at the cost price upon a perfect basis of equality. We print these documents. If any American citizen desires them he can have them.

Mr. FRELINGHUYSEN. Paying two dollars a volume for the postage.

Mr. MORRILL, of Maine. He can have them at just what other people pay who choose to get their books through the mail.

Mr. FRELINGHUYSEN. And that my friend tells us is two dollars a volume.

Mr. MORRILL, of Maine. That will depend upon the size of the volume; but whether it is much or little, it is no injustice to any man who chooses to have his volume go through the mail; and any other system than that is unjust, partial, and unequal. This whole system of the distribution of public documents gratuitously, as a matter of patronage in the hands of members of Congress, never was and never can be justified upon any principle of equality. What do we do with these books that are published? There are only a few of them anyway. We give them to our especial favorites and friends. That is what it must be; that is what it always has been; that is what it always will be; and it is charged upon the public Treasury.

I think myself that the whole scandal which came upon Congress arose from that particular fact. We publish the *Globe* or the *Record*, it is said as an educating process; that it is a great educator of the American people. How many people ever read the *Globe*? Not a man, woman, or child in this broad land, to my belief, ever read the volumes of the *Globe* published at any one session in the last ten years.

Mr. FRELINGHUYSEN. I am surprised to hear the Senator from Maine. He certainly is very ill informed on this subject. I have come across constituents all through my State who have told me, not that they commenced at the beginning of the *Globe* and read it through—

Mr. MORRILL, of Maine. That is what I am talking about.

Mr. FRELINGHUYSEN. I supposed there was some substance in what the Senator was saying; and that the question was whether they had derived intelligence from reading these books. The people read these books a great deal more than my friend imagines.

Mr. MORRILL, of Maine. What a marvelous educating sort of document is the President's message and accompanying documents. The President's message and accompanying documents make about seven huge volumes, as big as Webster's Unabridged nearly. Does my honorable friend believe he can find a man, woman, or child in this country who ever reads those volumes? They went out under our franks, distributed to our party followers. What became of them? In my country, where the peddlers go about the country, they are brought back as rags and sold.

Mr. ALCORN. Will the Senator allow me to make a suggestion to him at that point?

Mr. MORRILL, of Maine. Certainly.

Mr. ALCORN. I will state with regard to those executive documents, as he compares them to Webster's Dictionary, that they were read precisely as Webster's Dictionary is read. Whenever a citizen desired information on a particular subject he referred to the executive documents to find it. It is true I suppose, that no one ever took up an executive document and read it through as he would read through one of Dickens' novels.

Mr. MORTON. I would ask the Senator if he would abolish Webster's Dictionary because nobody ever read it through?

Mr. ALCORN. I was coming to that point. I was going to ask the Senator from Maine whether he would abolish the dictionary because nobody had ever taken it up at the beginning and read it through.

Mr. MORRILL, of Maine. I would say to my honorable friend, in answer to that, that his constituent would come out as the man did who read the dictionary through; he said it was a most excellent work, but he could not see the connection exactly. [Laughter.] It is absurd to talk about educating the people with this partial distribution of these documents. With all the opportunities for education, with the publishers all over this country, any book, any document anywhere that is worth publishing is seized upon by the local press and local publications everywhere and sent broadcast over the land. And here we publish a few hundred sets of a public document; and we are going to educate the whole American people by such a process as that! The only proposition it seems to me which is at all allowable here is that which has obtained in all other countries—make your public documents accessible to the people; print them, and allow the people to have them at cost price if they want them. That is precisely the proposition of the chairman of the Committee on Printing, which was debated the other day, but which was voted down and passed from the consideration of the Senate. I hope this amendment will not prevail.

Mr. STOCKTON. Mr. President, it is said that "all roads lead to Rome," and so all bills here seem to lead to a discussion of the franking privilege. There is one peculiarly pleasant feature to me connected with all these discussions. It was always a matter of regret to me that the Senator from Wisconsin [Mr. CARPENTER] was placed in the Chair, because we lost his presence on the floor, but we can always be sure of his presence on the floor when any bill comes up, in the various ways which lead to Rome, which involves the franking privilege. We can always have the pleasure of hearing him when that question by any accident is brought before the Senate.

I rise, Mr. President, not for the first time to express my view in reference to the abolishment of the franking privilege and in reference to the amendment offered by my colleague. At the time the law abolishing the franking privilege was passed, it was supported by a great many members of Congress and Senators for the purpose of getting rid of the evil of franking and passing through the mails what were not public documents. That reason actuated my vote. No pressure, no instigation from the Postmaster-General or from anybody else influenced my action, and so I stated at the time, as the *Globe* will show. It was because of the misuse of it which I had no power to prevent, and when I could join with the majority in the Senate to prevent that continued misuse by voting to abolish it, I deemed it my duty to do so; and so far from apologizing, as other Senators do, for the course I then pursued, I feel now that I did at that time what was just and what was wise.

But when Senators on this floor rise and insist that the object of those who voted to abolish that privilege as it was called, which was being misused, which was being by common consent and common custom applied to purposes for which it never was intended, was to prevent our constituents from receiving the public documents which were published by Congress at their expense, they certainly misstate the views with which I and others voted for the bill. In that respect I agree with my colleague entirely. When gentlemen rise now and say they want no partial reintroduction of the franking privilege, that they do not wish to reintroduce it piecemeal, and intimate that they want the people to feel what they have done and they want the people to come here and beg them personally that the privilege shall be restored to members of Congress before they can get the documents published with their money, my impression is that they do not put their case well. I agree with my colleague in that.

Sir, the people of the United States have a right to the documents you have published with their money, and they have a right, if they desire it, to have them go free through the mails; and they have the



right to have them go free through the mails without the indorsement of your frank. How did we do with the Congressional Globe, as I said on a previous occasion? You voted only the other day to do the same thing with the Agricultural Report. You have a right to do it with all the documents you publish. Then the question comes fairly and squarely before you, what documents ought we to publish; what documents is it right for us to publish? And in reference to that question we are to vote. The Printing Committee report their judgment of what it is proper to publish and distribute at the expense of the people.

You may say that we have no right to print Agricultural Reports and circulate them among agriculturists at the expense of the shoemaker, at the expense of the haberdasher, at the expense of the smith. That may be true. If that is so, why do you establish an Agricultural Bureau? Do you not make the haberdasher and the smith pay taxes to support your Agricultural Bureau? Why do you not have a Bureau for shoemaking? Why do you not have a Bureau for haberdashing? You tax the whole people to support a Bureau for one particular class. Does not that same principle apply then when you come to distribute the report of that Bureau? What is the theory of it? The theory of it is that one of the great interests of this country is the agricultural interest. It is an interest perhaps paramount to all others, because all others are built upon it. It was the original employment of man. It is one of his noblest employments, and upon it is built nearly every other art and nearly every other pursuit in life. You have said that in this great country, so vast in its territorial extent, in order to encourage and stimulate agriculture and a wise cultivation of land, you will establish a Bureau and you will send out the report of that Bureau, and the whole people shall pay for it.

Now, how can you come in and find fault with the circulation through the mails of that report and ask the individual who wants it to pay for it?

These remarks were suggested to me, Mr. President, by the amendment of the Senator from Vermont to the amendment of my colleague. I cannot agree with the Senator from Vermont that this distribution should be restricted to the documents that have already been printed. I would much prefer the amendment of my colleague if he would modify it—and if he does not, I shall make such a motion if no one else does—by striking out those words which require the payment of twenty-five cents postage on the receipt of these documents. There never was anything in the support that I gave the abolition of the franking privilege which required the people of the United States to pay for the transportation by mail of the documents sent to them. There was nothing in one word I ever said to embrace that idea, and I do not mean to have any such imputation put on me.

I said on a previous occasion that I voted for the abolition of the franking privilege. In that I was strictly and technically mistaken, which I only found out afterward. I meant to vote for it and did speak in favor of it, but I did not happen to be in the Senate at the moment the vote was taken, as I find by the record. I would have voted for it if I had been here, and I defended it in some remarks I made in the Senate. It never occurred to me, and I am perfectly persuaded that a majority of those who voted for it did not do so at all on the ground of preventing the people of the United States from receiving these documents.

I do not mean to say that more documents than were necessary may not have been published. I do not mean to say that the Committee on Printing have always been wise in their recommendations for the printing of documents. I do not mean to say that there may not have been abuses; but I do mean to say that the promulgation of what is going on in Congress by the RECORD, the promulgation of such information in reference to agriculture as is carefully collected, so long as we have a Bureau to collect it, is a duty of the American Congress, approved by the American people, and is not condemned at all by any vote we ever cast to abolish the franking privilege.

I cannot understand what objection there can be to such an amendment as my colleague has offered, striking out, as I suggest, the provision requiring a payment of twenty-five cents or any other sum, and letting these public documents go free. It is insisted by some Senators that that should not be done because that is restoring the franking privilege by piecemeal. I deny it entirely. I insist upon it that the proposition on the other side is simply saying to the people, "Until you change your mind, until you come here by your petitions saying that the petitions which the Postmaster-General got you to send to us were all wrong and you ought not to have signed them, until you yourselves say that we were mistaken in abolishing it, you cannot get any public documents; therefore you must raise another presser and give us the courage to undo what we have been doing."

I think the gentlemen who voted for the repeal of that privilege at that time, if they will look back at their own record and what they stated at that time, will find that they can be placed in no such position. The proposition then was simply to take away from not only members of Congress but from all other officers the privilege of franking. I hardly dare mention from memory the number, but I think it was stated at that time that there were forty thousand people who possessed the privilege of franking in the United States. To begin with, every postmaster in every little town and village in the whole land had the power to frank. How many thousands there were I do not know; I do not state it as a fact; but my memory brings back

to me the number as forty thousand. At any rate it was an immense number. This power to frank spread all over the land, it was charged and was known to be true in a great measure, was a violation of what was meant by the law; but it had grown up by custom, and it could only be weeded out and cut down by taking it up by the roots. So I said at the time, and that bill never would have passed the Senate if it had not been for Senators voting for it who voted for it with that motive and no other, who never would have voted for it to prevent the people from receiving documents they were in the habit of receiving, and which Congress saw proper to publish.

I therefore hope that my colleague will accept my suggestion. If he does not, I shall at the proper time, if it is not in order to do so now, offer an amendment to his amendment, by which public documents, printed and stamped with a Government stamp, shall pass through the mails free to those persons to whom they are addressed. That question does bring you, as has been well said on both sides of this discussion, directly to the proposition, will you print public documents or will you not? If you print them you must circulate them, or let them lie idle.

The Senator from Maine says it is a matter of favor; we send them to our friends. Well, sir, I should not be surprised if in some sense that was true. I suppose that all of us, the Senator from Maine included, have tried to avoid sending these documents entirely to our political and personal friends; but yet when you sit down to send a document to any person and think to whom you will send it, the name of a friend is likely to come up first. That is human nature, and I do not think it is bad human nature.

You may say it is not wise to distribute them in this manner; it is not wise that Senators should have this power of discrimination, for they will send them to their friends. Well, sir, as Congress is generally divided more or less equally between gentlemen of different parties, perhaps that thing balances itself. Perhaps in the counties where I send documents to my democratic friends the republicans may receive more documents from my colleague. Perhaps that may be as evenly balanced as can be, and as little wrong and as little unjust as any instrument or any means that you can use to distribute these documents with. But be that as it may, I do not stickle for this. I do not insist that Senators or members of Congress shall have the power of distributing these documents. I do not ask that, nor care for that, nor claim that. I simply ask that gentlemen do not get up incessantly on this floor time after time and insist that when we abolished the franking privilege we did by that act prevent the documents that were printed with the people's money from going by the mails to them free. We voted no such thing; we intended to vote no such thing; at least some of us did not; and so far as I am concerned I am unwilling to be placed in any such position.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. Will the Senator yield to business which I know my friend from Kentucky [Mr. STEVENSON] deems is quite important? It will take but a moment.

Mr. ANTHONY. The Senator from Kentucky was at the desk, and I interposed in his behalf.

#### THE REVISED STATUTE.

Mr. STEVENSON. I have just received a dispatch from the Secretary of State that it is very important that the Senate should to-day pass a bill which I reported from the Judiciary Committee this morning for the publication of the laws. It is essential that it should be passed to-day, because the general act is now before the President and will probably to-morrow or next day receive his sanction. If he should approve of that act before this bill passes, then the newspapers who have the publication of the laws will have a right to publish this act and the Government will have to pay perhaps half a million dollars; but if we pass this bill to-day and send it to the House and it is there passed it will go to the President and he will approve it. Then when this is approved, of course the other act would be approved and the papers would not publish it. I therefore ask to take up the bill that I this morning reported as a substitute for the House bill with a view of putting it on its passage.

The PRESIDENT *pro tempore*. Does the Senator from California withdraw his motion for an executive session?

Mr. SARGENT. Yes, sir.

Mr. STEVENSON. I ask now to put on its passage the bill which I reported this morning as a substitute for the House bill.

There being no objection, the bill (H. R. No. 3652) providing for the publication of the revised statutes of the United States was considered as in Committee of the Whole.

An amendment was proposed by the Committee on the Judiciary to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That the existing contract or contracts between the Secretary of State on the part of the United States, and Charles C. Little, Augustus Flagg, Henry T. Miles, and John Bartlett, of Boston, known as the firm of Little, Brown & Co., dated the 23d day of May, 1866, and all other contracts between the United States or any officer thereof with said firm of Little, Brown & Co., respecting the printing or publication of the laws of the United States, are hereby declared to be determined, pursuant to the powers therein reserved.

Sec. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication, and distribution the revised statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head-notes of the several titles and chapters and the marginal

notes referring to the statutes from which each section was compiled and repealed by said revision; and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories.

SEC. 3. That the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume, and shall be entitled and labeled "Revised Statutes of the United States;" and the revision of the statutes relating to the District of Columbia; to post-roads, and the public treaties in force on the 1st day of December, 1873, with a suitable index to each, shall be published in a separate volume, and entitled and labeled "Revised Statutes relating to District of Columbia and Post-Roads. Public Treaties."

SEC. 4. That the Secretary of State shall cause the two volumes to be stereotyped, and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem needful, for public distribution as hereinafter provided, and for sale by his office.

SEC. 5. That he shall, in like manner, cause to be edited, printed, published, and distributed pamphlet copies of the statutes of the present and each future session of Congress, to the officers and persons hereinafter provided, and bound copies of the laws of each Congress to the number of two thousand copies to be distributed in the manner now provided by law, and uniform with the said edition of the revised statutes.

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows: To the President and Vice-President of the United States, two copies each; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred and twenty-six copies; to the librarian of the House, two hundred and fifty copies, for the use of the Representatives and Delegates; to the Library of Congress, fourteen copies; to the Department of State, including those for the use of legations and consulates, six hundred copies; to the Treasury Department, two hundred copies; to the War Department, including those for the use of officers of the Army, two hundred copies; to the Navy Department, including those for the use of officers of the Navy, one hundred copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred and fifty copies; to the Post-Office Department, fifty copies; to the Department of Justice, including those for the use of the chief and associate justices, the judges and officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, ten copies; to the Smithsonian Institution, five copies; to the Government Printing Office, two copies; to the governors and secretaries of Territories, one copy each; to be retained in the custody of the Secretary of the Interior, one thousand copies; and the remainder shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: To the President of the United States four copies, one of which shall be for the library of the Executive Mansion, and one copy shall be for the use of the Commissioner of Public Buildings; to the Vice-President of the United States one copy; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred and fourteen copies; to the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies; to the Library of Congress, fourteen copies, including four copies for the law library; to the Department of State, including those for the use of legations and consulates, three hundred and eighty copies; to the Treasury Department, including those for the use of officers of customs, two hundred and sixty copies; to the War Department, including a copy for the Military Academy at West Point, fifty copies; to the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, sixty-five copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred and fifty copies; to the Post-Office Department, fifty copies; to the Department of Justice, including those for the use of the chief and associate justices, the judges and officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, five copies; to the Smithsonian Institution, two copies; to the Government Printing Office, one copy; and the Secretary of State shall supply deficiencies and offices newly created.

SEC. 8. That the said printed copies of the said acts of each session and of the said bound copies of the acts of each Congress shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States and of the several States therein.

SEC. 9. That the said laws of each session of Congress shall also be stereotyped and printed for sale as provided in respect to the said revised statutes. And the copies of the said revised statutes and of the said laws of each session of Congress as issued from time to time, shall be respectively sold at the cost of the paper, press-work, and binding, with 10 per cent. thereof added thereto, to any person applying for the same. And the proceeds of all sales shall be paid into the Treasury.

SEC. 10. That the Secretary of State shall cause all the copies of the Revision of Indian Treaties, made by Thomas J. Durant, now printed, to be bound, and the same shall be deposited with the Secretary of the Interior, for the use of the Departments and officers of the Government.

Mr. FRELINGHUYSEN. I would ask the Senator from Kentucky whether there is anything in that bill which repeals the law as to the publication of the laws in newspapers?

Mr. STEVENSON. Yes, sir; the first section makes that repeal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill providing for the publication of the revised statutes and the laws of the United States."

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with

various Indian tribes, for the year ending June 30, 1875, and for other purposes, and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM LOUGHRIDGE of Iowa, Mr. JOHN HANCOCK of Texas, and Mr. JOHN T. AVERILL of Minnesota, managers at the same on its part.

The message also announced that the House insisted on its amendments to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN F. BUTLER of Massachusetts, Mr. WILLIAM P. FRYE of Maine, and Mr. C. N. POTTER of New York, managers at the same on its part.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1691) for the relief of Thomas Ridgway;

A bill (H. R. No. 2347) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane;

A bill (H. R. No. 2359) to authorize the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for disabled soldiers;

A bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings;

A bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed;

A bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

A bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" and

A bill (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property.

#### INDIAN APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

On motion of Mr. WINDOM, it was

*Resolved*, That the Senate insist on its amendments disagreed to by the House of Representatives and disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WINDOM, Mr. SARGENT, and Mr. BOGY.

#### HOOR OF MEETING.

Mr. MORRILL, of Maine. I move that when the Senate adjourn to-day, it be to meet at eleven o'clock to-morrow.

The motion was agreed to.

#### MOIETIES UNDER CUSTOMS LAWS.

Mr. SCOTT. I would ask leave to make a report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moiety, and I would ask at the request of several Senators that this report may be printed, so that it may be called up to-morrow for consideration.

The report was ordered to be printed.

#### DISTRICT CRIMINAL COURT.

Mr. FRELINGHUYSEN. I will ask the Senate to pass a bill providing for a criminal court in this District. It has been examined carefully by the Committee on the Judiciary, and it is very necessary that it should pass.

There being no objection, the bill (H. R. No. 3503) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The first section of the bill provides that the criminal court of the District of Columbia shall have concurrent jurisdiction with the police court of the District of all crimes and misdemeanors committed in the District.

Section 2 applies the provisions of the thirty-third section of the



judiciary act of 1789 to courts created by act of Congress in the District of Columbia.

An amendment was reported by the Committee on the Judiciary to strike out in line 4 of section 1 the word "concurrent" before the word "jurisdiction," and after the word "jurisdiction," in the same line, to strike out the words "with the police court of said District," and at the end of the section to insert "not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information;" so as to make the section read:

That the criminal court of the District of Columbia shall have jurisdiction of all crimes and misdemeanors committed in said district not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### HUDSON BAY COMPANY.

Mr. HAMLIN. Before we go into executive session, I want the time of the Senate for one minute. To-morrow morning in the morning hour, I shall ask the indulgence of the Senate to take up House bill No. 3351 which is in my charge in the absence of the chairman of the Committee on Foreign Relations. It relates to carrying out the recent treaty of Washington and settling the rights of certain settlers under the Hudson Bay Company growing out of provisions in the Washington treaty, and it imposes obligations upon the Government which we cannot fail to carry out and deal justly.

#### CONGRESSMEN FROM ALABAMA.

Mr. SPENCER. I ask the Senate to proceed to the consideration of the bill (H. R. No. 886) to provide for the election of Congressmen at large for the State of Alabama.

There being no objection, the bill was considered as in Committee of the Whole. It provides that the two additional Representatives to Congress allowed to the State of Alabama, according to the apportionment under the ninth census, may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in that State, unless the General Assembly of Alabama shall otherwise provide before the time fixed by law for the election for Representatives to Congress from said State.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### DISTRICT GOVERNMENT.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I desire to give notice that after this post-office appropriation bill is completed, I will ask the Senate to take up and consider the bill reported by the Joint Committee of Investigation into the Affairs of the District of Columbia.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, June 16, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

#### ORDER OF BUSINESS.

The SPEAKER. A motion to suspend the rules and pass the bill to aid in the construction of a fire-alarm telegraph in the District of Columbia comes over from yesterday as unfinished business.

Mr. DAWES. I would suggest that we go to the Speaker's table and dispose of the matters thereon, under what is called the five-minute rule—a five-minute speech being allowed on each bill on each side. I would except from this the civil-rights bill. I ask that the order be made that the House shall proceed under this arrangement, at twelve o'clock, to consider business on the Speaker's table.

Mr. SMITH, of New York. I must object, unless the Committee on Elections can have half an hour to dispose of two or three cases.

Mr. COBURN. Is the proposition of the gentleman from Massachusetts [Mr. DAWES] that the bills on the Speaker's table shall be taken up and disposed of?

The SPEAKER. It is that they be disposed of either by being referred or by being passed. The Chair would suggest that if the gentleman from Massachusetts [Mr. DAWES] will make the time for going to the business on the Speaker's table half an hour later the gentleman from New York, [Mr. SMITH,] the chairman of the Committee on Elections, can have the time he desires before that is done.

Mr. DAWES. I am willing to say one o'clock.

Mr. MOREY. I desire to make a parliamentary inquiry. When we reach a bill on the Speaker's table under the proposed arrangement may we pass it, refer it, or leave it on the Speaker's table?

The SPEAKER. Yes; by a majority vote it can be passed, referred, or left on the table.

Mr. COTTON. I must object to this arrangement unless an opportunity is given to the Committee on the District of Columbia to make some reports.

Mr. WILSON, of Iowa. If we have a morning hour it is in the power of a majority of the House at the expiration of the morning hour to go to business on the Speaker's table. This being the case, I must object to the motion of the gentleman from Massachusetts.

The SPEAKER. The business on the Speaker's table cannot possibly be reached under the rules in the way suggested by the gentleman from Iowa during the last days of the session.

Mr. DAWES. I move to suspend the rules for the purpose of making the order I have indicated; that at one o'clock the House proceed to dispose of business on the Speaker's table, a five-minute debate being allowed on each side, so that by a majority vote bills may be passed, referred, or left on the table, excepting from the order the civil-rights bill.

Mr. BURROWS. Why should the civil-rights bill be excepted?

The SPEAKER. The Chair will explain the effect of the motion of the gentleman from Massachusetts, if agreed to. Excepting the civil-rights bill all other business on the Speaker's table will be taken up *seriatim*, to be disposed of by a majority vote after a five-minute speech on either side in one of three ways; that is, a bill may be referred to a committee, may be passed, or may be left on the table.

Mr. WILLARD, of Vermont. Will it require a two-thirds vote to pass a bill?

The SPEAKER. A majority vote will be sufficient.

Mr. BURROWS. Will the gentleman allow me to inquire why he excepts the civil-rights bill?

Mr. DAWES. It does not prejudice the civil-rights bill, and I suppose that if I should include that bill in this particular motion I could not get at the other business on the Speaker's table.

Mr. GARFIELD. Suppose you try it.

Mr. DAWES. The gentleman from Michigan knows that I would omit no motion that would advance the civil-rights bill, and if the gentleman is apprehensive that I have any purpose hostile to the civil-rights bill he mistakes my motives.

Mr. BURROWS. I do not suppose so.

Mr. DAWES. I make the motion in this way simply because I know that it is the only way in which we can get at the other business on the Speaker's table. I am willing, if any gentleman desires it, to include the civil-rights bill; but I know what the effect of that will be.

Mr. HOLMAN. I hope the gentleman will also exclude from his motion the Saint Croix land-grant bill.

Mr. DAWES. A majority can dispose of this whole matter, and therefore I make the motion without any exception.

Mr. LAWRENCE. I hope the Committee on War Claims will be allowed to report the bill relating to the commissioners of claims, and for other purposes, which I am instructed by that committee to offer.

Mr. DAWES. If I make any exception my motives would be misconstrued, and therefore I make the motion without exception, and a majority of the House can dispose of it.

The SPEAKER. If the gentleman makes his motion in that form the whole question will turn on the vote on the civil-rights bill, and that bill might as well be taken out and voted upon separately, so as to disembarass the other business.

Mr. DAWES. Some other gentleman can make the motion; I do not propose to stand here under the imputation of hindering the passage of the civil-rights bill.

The SPEAKER. It would make the entire motion turn upon that one bill.

Mr. HAWLEY, of Illinois. No one has made any imputation on the gentleman from Massachusetts. We have tried several times to take up the civil-rights bill by a two-thirds vote, and it has been demonstrated that it cannot be done.

The SPEAKER. The Chair was only stating the obvious parliamentary effect of the motion.

Mr. GARFIELD. In order to test the question I move to suspend the rules and take the civil-rights bill from the Speaker's table and pass it.

Mr. DAWES. If the gentleman will withdraw that motion I will adhere to my motion to go to the Speaker's table and take up all business thereon.

The SPEAKER. The Chair will first dispose of the unfinished business which was reported last evening on a motion for a suspension of the rules, and comes over on that motion.

#### FIRE-ALARM TELEGRAPH IN THE DISTRICT OF COLUMBIA.

The Clerk read the title of the bill, as follows:

A bill (H. R. No. 3532) to aid in the construction of a fire-alarm telegraph in the District of Columbia.

The bill was read.

Mr. WILLARD, of Vermont. How does that bill come before the House?

The SPEAKER. Last evening the gentleman from New York [Mr. SESSIONS] brought it up on a motion to suspend the rules.

Mr. WILLARD, of Vermont. I understood that last evening was given to the Committee on Public Buildings and Grounds, and I suppose that whatever business from that committee was not completed last evening must fall.

The SPEAKER. The Chair was absent last evening, but he understood from the Clerk that it was entertained yesterday afternoon before the recess.

Mr. WILLARD, of Vermont. O, no; it was last evening.

The SPEAKER. Then the bill is not properly before the House. The Chair will recognize the gentleman from New York to make the motion to suspend the rules later on during the day, but the bill is not unfinished business.

#### TAX ON SAVINGS INSTITUTIONS.

Mr. E. R. HOAR. I move to suspend the rules and pass a bill for the relief of savings institutions having no capital stock and doing business for the benefit of depositors. I will state to the House that it is a bill which must be passed now if ever. It has the unanimous approval of the Committee on Banking and Currency, and is for the relief of depositors in savings banks, and it must be passed before the close of this session or it can never do any good. The tax has once been paid by depositors, and now it is proposed to assess it on the institutions who have no funds to meet it with.

The Clerk read the bill. It provides that no future collection of internal-revenue taxes shall be made on the earnings of savings-banks or institutions for savings, having no capital stock and doing no other business than receiving deposits, to be loaned or invested for the sole benefit of the parties making such deposits without profit or compensation to the association or company, whether the earnings of the same have been or may hereafter be divided annually, semi-annually, or at other periods.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 3678) was passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 321) reorganizing the several staff corps of the Army.

#### QUALIFICATIONS OF TERRITORIAL DELEGATES.

Mr. SMITH, of New York. I am instructed by the Committee on Elections to report and move the passage, under a suspension of the rules, of a bill defining the qualifications of territorial Delegates in the House of Representatives.

The bill provides that no person shall be a Delegate in the House of Representatives from any of the Territories of the United States who shall not have attained the age of twenty-five years, have been seven years a citizen of the United States, and who shall not when elected be an inhabitant of the Territory in which he shall be chosen; and no such person who is guilty either of bigamy or polygamy shall be eligible to a seat as such Delegate.

Mr. COX. Does that affect the present Delegate from Utah?

Mr. SMITH, of New York. The legal operation of the bill is entirely prospective.

Mr. COX. Then the word "hereafter" should be inserted.

Mr. SMITH, of New York. That does not affect the legal construction of the bill; I have no objection to the amendment.

The motion to suspend the rules was seconded and (two-thirds voting in favor thereof) the rules were suspended, and the bill as modified (H. R. No. 3679) was passed.

#### ELECTION CONTEST—GUNTER vs. WILSHIRE.

Mr. SMITH, of New York. I now ask that Mr. Gunter, of Arkansas, may be seated as a member of this House. He has been waiting here since last December. My colleague upon the committee from Ohio [Mr. ROBINSON] is instructed by the committee to report in this case.

Mr. ROBINSON, of Ohio. I am instructed unanimously by the Committee on Elections to submit a report, accompanied by resolutions, in the contested-election case of Thomas M. Gunter vs. W. W. Wilshire, from the third congressional district of the State of Arkansas.

The resolutions accompanying the report were read, as follows:

*Resolved*, That W. W. Wilshire was not elected and is not entitled to a seat as a Representative in the Forty-third Congress from the third district of the State of Arkansas.

*Resolved*, That Thomas M. Gunter was elected, and is entitled to a seat as a Representative in the Forty-third Congress from the third district of Arkansas.

Mr. HURLBUT. There is a preliminary question which I wish to raise before the House.

Mr. ROBINSON, of Ohio. I will yield five minutes to the gentleman, and then I will call the previous question.

Mr. HURLBUT. In order to raise the question to which I refer I move to recommit this report.

Mr. SMITH, of New York. I understand that this report is made under a suspension of the rules; if so I must object to debate.

Mr. HURLBUT. I understand that this is a privileged report from the Committee on Elections.

The SPEAKER. It is a privileged report, and the gentleman making it can yield.

Mr. ROBINSON, of Ohio. I yield to the gentleman from Illinois for five minutes.

Mr. HURLBUT. I desire in this case to enter a motion to recommit this report to the committee with instructions to pass upon a preliminary question.

Mr. ROBINSON, of Ohio. I do not yield for a motion.

Mr. HURLBUT. I think I have a right to make a motion to recommit with instructions.

The SPEAKER. Not unless the gentleman yielding a portion of his time consents to the motion.

Mr. ROBINSON, of Ohio. I do not consent.

Mr. HURLBUT. Then I will state my point to the House and they can do as they like. Under the law of 1851 there is an express provision that the contestant must file his claim and notice of contest within thirty days from the time when the canvass was made. The canvass in this case was made on the 14th of December, 1872, and the contestant did not file the notice of contest for more than ninety days afterward. I desire the committee to pass upon the question whether the limitation prescribed by law is to have any effect or not. That is the simple question I desire to raise, and if the House shall not second the previous question I will move to recommit the report to the Committee on Elections to determine that question positively and distinctly.

Mr. DAWES. The law of 1851 declares that the contestant shall serve upon the sitting member notice of contest, &c. This gentleman was not made a sitting member except by a vote of this House, thus making this a special case to be prescribed for by the Committee on Elections themselves.

Mr. ROBINSON, of Ohio. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolutions reported from the Committee on Elections were adopted.

Mr. HOOPER moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GUNTER then appeared and qualified by taking the modified oath of July 11, 1868.

#### ARKANSAS ELECTION CONTEST—BRADLEY vs. HYNES.

Mr. PIKE, from the Committee on Elections, reported the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Committee on Elections be discharged from the further consideration of the case of John M. Bradley against William J. Hynes, a member of this House from the State of Arkansas.

Mr. PIKE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I move that the rules be suspended so that the House may take up and consider the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The motion was agreed to.

The amendments of the Senate were read, and, except in the cases noted below, were, without debate, respectively concurred in or non-concurred in according to the recommendations of the Committee on Appropriations.

The forty-second amendment was read, as follows:

Insert in lines 149 and 150 the following words: "thirty-six interpreters, at \$500 each; and \$600 for temporary interpreters."

The Committee on Appropriations recommended non-concurrence. Mr. BECK. I hope the gentleman from Iowa [Mr. LOUGHRIDGE] who is managing this bill will give as an explanation of this amendment. Does the Senate add thirty-six additional interpreters?

Mr. LOUGHRIDGE. The statute fixes the pay of these interpreters, I believe, at \$500 each in certain Territories. That is the reason the Senate made the change.

Mr. BECK. Is that what swells this appropriation from \$29,000 up to \$35,000?

Mr. LOUGHRIDGE. We recommend non-concurrence in the amendment for the purpose of satisfying ourselves whether the amendment is right.

The amendment was non-concurred in.

The seventy-ninth amendment was read, as follows:

In the appropriation for the Sacs and Foxes of Mississippi add after the words "physician for the agency," in line 1197, so as to make the paragraph read as follows:

For interest on \$300,000, at 5 per cent., per second article treaty of October 11, 1842, \$40,000, of which sum \$1,500 shall be paid for a physician for the agency, who shall furnish the necessary medicines: *Provided*, That so much of the appropria-



tion herein made for the Sacs and Foxes on the Mississippi as shall be deemed necessary by the Secretary of the Interior, not exceeding 50 per cent. thereof, may be used, under his direction, for the purposes of education and civilization.

The Committee on Appropriations recommended concurrence.

Mr. PARKER, of Missouri. I wish to offer an amendment to this amendment. I am satisfied the Committee on Appropriations will have no objection to it. I did not think of it when the committee had these amendments under consideration. This amendment of the Senate proposes a diversion of the Indian fund; and I desire to provide that it shall not be done without the consent of the Indians, so that they may not hereafter come to Congress and set up a claim for funds that have been diverted. I move to amend the amendment by adding "provided further, that the Indians shall consent thereto."

The amendment of Mr. PARKER, of Missouri, was agreed to; and the amendment of the Senate, as amended, was concurred in.

The eightieth amendment was read, as follows:

In the appropriations for the Sacs and Foxes of Missouri add a proviso to the appropriation of \$200 for the support of a school; so that the paragraph will read as follows:

For the support of said school for the fiscal year ending June 30, 1875, as per said article of the treaty, §200: *Provided*, That so much of the appropriation herein made for the Sacs and Foxes of the Missouri as shall be deemed necessary by the Secretary of the Interior, not exceeding 50 per cent. thereof, may be used under his direction for the purposes of education and civilization.

The Committee on Appropriations recommended concurrence.

Mr. PARKER, of Missouri. I move to amend this amendment by adding the words, "provided further, that the Indians shall consent thereto."

The amendment of Mr. PARKER, of Missouri, was agreed to, and the amendment of the Senate, as thus amended, was concurred in.

The ninety-first amendment was read, as follows:

Insert the following:

For this amount, or so much thereof as may be necessary, to purchase from the Omaha Indians in Nebraska such quantity of land, not exceeding twenty sections, as may be required for the use of the Winnebago Indians in Wisconsin and for improvements on their reservation, to be appropriated from the residue of the \$1,100,000 provided to be set apart for the Winnebagoes by the fourth article of the treaty with those Indians, November 1, 1837: *Provided*, That such amount as may be paid to the Omahas for the lands required shall be applied for their use, under the direction of the Secretary of the Interior, for general purposes of civilization, \$22,000.

The Committee on Appropriations recommended concurrence.

Mr. LOUGHRIDGE. In this amendment the Committee on Appropriations at first agreed to recommend non-concurrence; and that is the recommendation in the printed report; but on subsequent examination they have decided to ask concurrence.

Mr. GARFIELD. The Committee on Indian Affairs came before us after our recommendation was agreed on, and showed that this amendment was a mere transfer of funds; that it did not change at all the amount expended. The Committee on Indian Affairs were unanimous in their recommendation, and they satisfied us that they were right.

Mr. PARKER, of Missouri. I move to amend this amendment of the Senate by adding the words, "provided that said Winnebagoes shall consent to said purchase."

The amendment of Mr. PARKER, of Missouri, was agreed to; and the amendment of the Senate, as thus amended, was concurred in.

The ninety-seventh amendment was read, as follows:

Strike out \$3,000 in line 1792 and insert \$2,000; so that the paragraph will read as follows:

Washington Territory:

For the general incidental expenses of the Indian service in Washington Territory, including transportation of annuity goods and presents, (where no special provision is made therefor by treaties,) and for defraying the expenses of removal and subsistence of Indians, and for pay of necessary employees, \$25,000; \$2,000 of which shall be for the support of schools on the Colville and Chehalis agencies.

The committee recommended concurrence.

Mr. SHANKS. I ask that this amendment be non-concurred in. I have been among those people, and they certainly need from this appropriation the amount of \$3,000 for school purposes.

The amendment was non-concurred in.

The one hundred and thirteenth amendment was read, as follows:

Insert before the words "necessary traveling expenses" the words "actual and;" so that the paragraph will read as follows:

For this amount, or so much thereof as may be necessary to defray the actual and necessary traveling expenses of five Indian inspectors provided for by section 6 of the act making appropriations for the current and contingent expenses of the Indian Department for the fiscal year 1874, \$7,500.

The Committee on Appropriations recommended non-concurrence.

Mr. BECK. I ask that this amendment be concurred in. The Senate has amended so that the phrase will read "actual and necessary traveling expenses." Why should the words "actual and" be struck out?

Mr. GARFIELD. If the word "actual" be retained, then a man may go to the Fifth Avenue Hotel and remain there on business for five or six weeks and charge his actual bills to the Government, whereas under a provision for "necessary" expenses the construction given under the law is that no more than a certain amount per day shall be allowed by the Department. To insert the word "actual" will repeal the present order of things and make it possible to charge far beyond the rates at present allowed.

Mr. BECK. I do not think so, because the word "actual" does not limit the word "necessary." The expenses allowed must be both "actual and necessary." But if we strike out the words "actual

and," an inspector may claim anything that he says was "necessary." That is the fear I have.

Mr. GARFIELD. I have a telegraphic dispatch in my pocket from one of the officers of the Department saying precisely the same danger has been incurred in one of our bills now in conference, and requesting me to get the word "actual" out for that very reason.

Mr. BECK. I withdraw my objection.

The amendment was non-concurred in.

Amendment 121 of the Senate:

Strike out after the word "while" the words "any portion of;" so that it will read:

That none of the appropriations herein made shall be paid to any band of Indians while such band is at war with the United States or with the white citizens of any of the States and Territories.

Mr. CONGER. It seems to me to be an unjust provision and ought to be stricken out.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence in that amendment and agree to strike out those words, deeming it unjust to leave the provision as it is.

The amendment was concurred in.

Amendment 122 of the Senate:

Insert the words:

*Provided*, That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, &c., for and on account of the Indian service, whenever the value of the goods, supplies, &c., to be furnished, or the transportation to be performed, shall exceed the sum of \$5,000, shall accompany their bids with a certified check or draft payable to the order of the Commissioner of Indian Affairs, upon some United States depository or solvent national bank, which check or draft shall be 5 per cent. on the amount of the goods, supplies, transportation, &c., as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed, as aforesaid, such draft or check so deposited shall be returned to the bidder.

Mr. GARFIELD. This is to prevent straw bids in the Indian Department, and the committee recommend concurrence.

The amendment was concurred in.

Mr. LOUGHRIDGE. I now move that a request be sent to the Senate for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

#### GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I move to comply with the request of the Senate for a conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

The motion was agreed to.

#### TELEGRAPHIC COMMUNICATION.

Mr. COX, by unanimous consent, from the Committee on Foreign Affairs, reported back the bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries, with the recommendation that it do pass.

The bill was read.

The first section provides that all communication established, or that may hereafter be established, between the United States and any foreign country by means of telegraphic or magnetic lines or cables laid in any part thereof, in and over the waters, reefs, islands, shores, and lands within the jurisdiction of the United States, shall be subject to the following conditions, stipulations, and reservations, to wit: First, the Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of any such line or cable that may by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever; secondly, citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of the most favored nations; thirdly, the transmission of dispatches shall be made in the following order: First, dispatches of state, under such regulations as may be agreed upon by the governments interested; secondly, dispatches on telegraphic service; and thirdly, private dispatches; fourthly, the lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided; fifthly, before extending and establishing any such line or cable in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by the act shall be filed in the office of the Secretary of State by the company, corporation, or party proposing to establish telegraphic communication.

The second section provides that subject to the foregoing conditions, stipulations, and reservations, and subject to such grants as have heretofore been made by Congress, to lay and maintain telegraphic cables from the shores of the United States, the consent of Congress is given to the laying and maintaining of telegraphic or magnetic lines or cables between the United States and foreign countries

in and over the waters, reefs, islands, shores, and lands within the jurisdiction of the United States.

The third section provides that any person connected with any company engaged in the transmission of news to foreign countries who shall, contrary to his duty, disclose or in any way make known or intercept the contents of any message, or any part thereof, and any person who shall injure or destroy any cable or other property of the company, or interfere with the working, repair, or use of any cable or line connected with such cable, shall, upon conviction thereof, in any district court of the United States, or in any district court of the district in which such cable is landed, be subject to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding three years, or both, at the discretion of the court; and the party injured thereby shall have a right of action for damages. It shall be the duty of the Attorney-General to prosecute all persons offending against any of the provisions of the act in any district court of the United States.

Mr. COX. I only wish to say, Mr. Speaker, that this same bill passed in this House during the last Congress. It is the unanimous report of the Committee on Foreign Affairs after a careful maturing of the matter. It interferes with no rights now existing, but only gives power to all companies generally, which Congress has the indisputable right to give. It is a general bill. The committee have also authorized me to report all private bills for charters adversely, which I will do when I get through with this bill.

Mr. CONGER. I do not wish to antagonize the bill. I wish to ask the gentleman from New York, however, whether under the provisions of this bill the telegraph companies may not extend their lines indefinitely upon the Government lands?

Mr. COX. No, sir; the bill was not intended to do anything of the kind. That was carefully guarded against. This is for ocean telegraphs only.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ADVERSE REPORTS.

Mr. COX also, by unanimous consent, from the Committee on Foreign Affairs, reported back, with the recommendation that they do not pass, bills of the following titles; and the same were severally laid on the table:

The bill (H. R. No. 1249) to incorporate the Submarine Cable Printing Telegraph Company, and to promote and encourage telegraphic communication between American and foreign countries;

The bill (H. R. No. 3383) to encourage and promote telegraphic communication between America and Asia; and

The bill (H. R. No. 3398) to secure anti-monopoly ocean-cable communication between Europe, America, and Asia by W. Cornell Jewett and his associates.

Mr. COX moved to reconsider the votes by which the bills were severally laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. E. R. HOAR, by unanimous consent, from the Committee on Foreign Affairs, reported adversely on the resolution referred to that committee requesting the Secretary of State to lay before the House the correspondence between the commander of the United States steamer *Richmond*, Captain Thomas Patterson, and the governor of Santiago de Cuba, in 1873, in reference to three American citizens who were on trial before a military court-martial at that place; and moved that the committee be discharged from the further consideration of the same, and that it be laid upon the table.

The motion was agreed to.

#### COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE. I move that the rules be suspended to enable me to report, and the House to pass, a substitute (H. R. No. 3680) for the bill (H. R. No. 1565) heretofore reported by the Committee on War Claims relating to the commissioners of claims.

The substitute was read, as follows:

*Be it enacted, &c.,* That the time within which petitions for the allowance of claims may be presented to the commissioners of claims be, and hereby is, extended to the 4th day of July, 1875; and that all claims within the jurisdiction of the commissioners of claims which shall not be filed in their office on or before the 4th day of July, 1875, shall be, and hereby are, forever barred, and the commissioners shall not examine the same.

SEC. 2. That every petition or memorial for the allowance of a claim shall contain a statement by items of the several amounts claimed on account of the matters set forth in such petition or memorial, and the aggregate amount so claimed shall not thereafter be increased for any cause. Every such petition or memorial shall also contain an explicit statement of any payments already made by or in behalf of the United States on account of property taken, furnished, or used by the forces of the United States during the late rebellion, and a declaration that the said petition or memorial embraces every just item and cause of claim against the United States for property so taken, furnished, or used.

SEC. 3. That in lieu of the three agents now provided by law the said commissioners shall be authorized to employ five agents to investigate and report upon claims; and the said agents shall have power to administer oaths and take depositions; and, in addition to the clerks now authorized by law, the said commissioners may employ, each, one clerk, at a salary not exceeding \$1,800 per annum.

SEC. 4. That whenever the commissioners are satisfied that a claim is fraudulent in whole or in part, or that the claimant is corruptly attempting to procure, by

fraud, false evidence, or collusion, the allowance of a claim, in whole or in part, it shall be their duty to disallow the entire claim.

SEC. 5. That every person who knowingly and willfully swears falsely in any oath or affidavit which is or may be authorized by law, or in any oath taken or affidavit made, to be used as evidence in any court, or before either House of Congress, or any committee or officer thereof, or before any officer or person acting under the authority of the Constitution or law, shall be deemed guilty of perjury, and shall be punished by fine not more than \$2,000, or imprisonment at hard labor not more than five years, or both, in the discretion of the court. And in every case where such oath or affidavit is subscribed by the person making the same, proof of such fact shall be sufficient evidence of the official authority of the person before whom the same purports to be made or taken to administer and certify said oath or affidavit. All offenses heretofore committed may be prosecuted or punished in the same manner as if this act had not passed.

SEC. 6. That every person who procures, or endeavors to procure, or counsels or advises another to commit perjury, shall be punishable as if guilty of perjury.

SEC. 7. That the commissioners of claims shall receive, examine, and consider the justice and validity of such claims, growing out of the late war of the rebellion, as may be referred to them by either House of Congress, and said commissioners shall make report of their proceedings and of each claim considered by them, with the evidence in relation thereto and their conclusions of law and fact thereon, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before said House.

SEC. 8. That the President of the United States be, and is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, to appoint, in addition to the commissioners of claims now authorized, two commissioners of claims, who shall continue in office until the 10th day of March, 1877, with like power and duties and compensation as the commissioners of claims now in office. Any two commissioners, with the approval of the president of the board of commissioners, shall be competent to make a report, and the president of the board shall assign to the commissioners the claims to be by them examined, considered, and reported on.

SEC. 9. That the provisions of an act to prevent and punish frauds upon the Government of the United States, approved March 2, 1863, are extended and made applicable to a time of peace and to persons who shall make, or cause to be made or presented, to the commissioners of claims, or to either House of Congress, any claim upon or against the Government of the United States, or any Department or officer thereof, or any evidence in support thereof; and if any person shall fraudulently withdraw or abstract from the files of said commissioners, or from the files of either House of Congress, or of any committee thereof, any document or evidence, every person so offending shall suffer the penalties and be liable to punishment as in said act provided.

SEC. 10. That every petition presented to either House of Congress for the payment of claims may be verified by oath or affidavit.

Mr. KELLOGG. I ask the chairman of the committee to yield for a motion to strike out the eighth section, originally numbered section 10. The Committee on War Claims were not unanimous in regard to that section, and the gentleman from North Carolina [Mr. COBB] had a substitute for it prepared.

Mr. LAWRENCE. I do not yield for any amendment. The bill is the report of the committee.

The SPEAKER. The Chair understands that there is a dispute as to whether this bill is the report of the committee. The gentleman from Connecticut [Mr. KELLOGG] states that it is not. That is a dispute which should never be on the floor.

Mr. KELLOGG. I stated that the committee were not unanimous in regard to the eighth section.

The SPEAKER. The unanimity of committees is a subject the House has nothing to do with. The report of a majority of the committee is the report of the committee.

Mr. KILLINGER. I ask that the eighth section be again read. The eighth section was again read.

The question being taken on the motion to suspend the rules and pass the bill, there were ayes 85, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

Mr. KELLOGG. I again ask the chairman of the committee to yield to me for a motion to strike out the eighth section.

Mr. LAWRENCE. I hope that will not be done. It is important for the interests of the Treasury that these claims be examined. Unless this provision is made we shall lose \$5,000,000.

Mr. ELLIS H. ROBERTS. The policy of the bill is to increase the demands on the Treasury.

Mr. BUTLER, of Tennessee. If it was all for New York there would be no objection to it.

Mr. CROOKE. I call for the yeas and nays on the question of suspending the rules and passing the bill.

The SPEAKER. The Chair will first order a division by tellers; and appoints the gentleman from Ohio, Mr. LAWRENCE, and the gentleman from New York, Mr. CROOKE.

The House divided; and the tellers reported—ayes 130, noes 22.

Mr. MERRIAM. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 12; not a sufficient number.

So the rules were suspended, (two-thirds having voted in the affirmative,) and the bill was passed.

#### MARINE HOSPITAL AT CLEVELAND.

Mr. PARSONS. I move that the rules be suspended and that a bill authorizing the lease of the marine hospital and grounds at Cleveland, Ohio, to the city of Cleveland be passed. This is the bill (H. R. No. 1927) reported by the Committee on Commerce, with amendments suggested by the Secretary of Treasury. I ask that the bill be first read as reported by the committee and that then the amendments of the Secretary of the Treasury be read, and also letters from the late Secretary of the Treasury and the present Secretary in relation to it.

Mr. FIELD. Is debate in order?

The SPEAKER. It is not. The Clerk will report the bill.

Mr. SPEER. The House has already refused once this session to suspend the rules and pass the bill.



Mr. PARSONS. The House did so under a misapprehension. The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a written contract, on behalf of the United States, with the mayor and common council of the city of Cleveland, in the State of Ohio, providing for a lease of the Government marine hospital and grounds at Cleveland to the city of Cleveland, aforesaid, at and for the period of ninety-nine years, at the nominal rent of one dollar per year, to be paid to the United States by said city; and said lease shall provide that said marine hospital and grounds shall be used during said lease as a general hospital and only for hospital purposes. All sick and disabled seamen and sailors shall be admitted into said hospital in the same manner as is now or may be provided by law for admission into the marine hospitals of the United States; and for the care, board, and medical treatment of said sailors and seamen the United States shall pay the city of Cleveland at the rate of fifty cents per day each, payable quarterly at the office of the district collector of the city of Cleveland. The city of Cleveland shall bind itself to keep said building and grounds in good repair and condition during the continuance of said lease; and at any time, on the failure of the city of Cleveland to perform any of the covenants of said lease or to provide properly, in accordance with law, for the care and attendance of such sailors and seamen as aforesaid, then the Secretary of the Treasury shall make complaint of the same to the United States district judge of Northern Ohio, who shall hear and examine said complaint, and if the same be found true in law and fact, he shall cancel said lease on the part of the Government of the United States, and order the said marine hospital and grounds to be placed, without delay, in the custody and control of the United States. And the city of Cleveland is hereby authorized to extend Summit street across and through the northerly line of the lands owned by the United States and used for marine-hospital purposes as aforesaid.

The amendments were also read, as follows:

In line 6, after the word "Ohio," insert the following:  
If said officers are legally competent as parties to such contract.  
After the word "purposes," in line 13, insert these words:  
And in any changes in the construction or arrangement of said building and grounds, or in the event of the erection of a new building or buildings for hospital purposes on said grounds during the continuance of said lease, the plans for such changes and new building shall be submitted to and shall be made in accordance with the approval of the supervising surgeon of the marine-hospital service.  
Transpose and amend the phrase "in accordance with law," in line 25, so as that it shall come in after the word "aforesaid," in line 26, and read as follows:  
In accordance with the law or laws, rules and regulations governing the marine-hospital service of the United States.

Mr. FIELD. I make the point of order on this bill.

The SPEAKER. The point of order cannot be entertained. The motion is to suspend the rules.

Mr. PARSONS. I now ask that the letter from the Secretary of the Treasury be read.

Mr. FIELD. I object to debate.

Mr. PARSONS. I move that the rules be suspended in order that the letter may be read.

The motion to suspend the rules was seconded and the rules were suspended, (two-thirds voting in favor thereof.)

The Clerk read the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., April 6, 1874.

SIR: I have the honor to acknowledge the receipt of your communication of the 4th instant, concerning the proposed lease to the city of Cleveland of the marine hospital and grounds at that place.

I have examined the bill and the report of your committee on the subject, and believing this action to be in accordance with the views expressed in my annual report, I beg to recommend the passage of the bill as calculated to subserve the best interests of the invalid sailor at that port, as well as of the Government in relation to the property.

If the condition of the bill is such as to admit of amendment I should like to suggest the propriety of adding the sentence interlined in the copy herewith returned with the object of securing, in any change of the present building or in the construction of a new one, the supervision of the proper officer of the Department, as was done in the act for a new hospital at New Orleans, (17 Statutes, 511.)

I am sir, your obedient servant,

WM. A. RICHARDSON,  
Secretary of the Treasury.

Hon. R. C. PARSONS, M. C.,  
Forty-third Congress.

Mr. PARSONS. There is a letter from the present Secretary of the Treasury supplementary to that, which I should also like to have read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., June 9, 1874.

SIR: In acknowledging the receipt of your communication of this date, asking my concurrence with the action of my predecessor concerning the proposed lease to the city of Cleveland, Ohio, of the United States marine hospital and grounds at that place, I beg to suggest the propriety of the following amendments to the bill you submit:

1. The introduction of such phrase in connection with the lessees as will avoid making it compulsory upon the Secretary to enter into contract with parties who may or may not have proper authority.

2. A change of the copulative conjunction "and," in line 25, to the disjunctive *or*.

3. The addition of a clause which will prevent discrimination against marine patients in the treatment in said hospital.

With these changes, in addition to that already proposed, and, as I understand, accepted by you, memoranda of which will be found upon the copy of the bill herewith returned, I take pleasure in renewing the former recommendation of its passage.

I have the honor to be, sir, your obedient servant,

B. H. BRISTOW,  
Secretary of the Treasury.

Hon. R. C. PARSONS, M. C.,  
Forty-third Congress.

Mr. PARSONS. I wish to say that this comes unanimously from the Committee on Commerce.

Mr. FIELD. This bill proposes to give half a million dollars' worth of property for a dollar a year for ninety-nine years, and I look upon it as a swindle.

Mr. PARSONS. Now I want a moment to reply to the gentleman from Michigan. My constituents—

Loud cries of "Object!" and "Order!"

The SPEAKER. When debate is objected to gentlemen must not insist on proceeding.

Mr. CONGER. I want to say that the statement of my colleague—

Loud cries of "Order!" "Order!"

Mr. CONGER. I rise to a point of order. The Chair has permitted an unfair statement to be made by my colleague from Michigan, and it is proper that an answer to it should be made here or that it should be stricken from the RECORD.

The SPEAKER. If all words spoken out of order were stricken from the RECORD it would be materially reduced in bulk.

Mr. PARSONS. Well, I ask unanimous consent to say a single word in regard to this matter.

Loud cries of "Object!"

The motion to suspend the rules was seconded.

The question was taken on suspending the rules; and on a division there were—ayes 80, noes 46; no quorum voting.

Tellers were ordered; and Mr. PARSONS and Mr. FIELD were appointed.

The House divided; and the tellers reported—ayes 88, noes 64.

So (two-thirds not voting in favor thereof) the rules were not suspended.

#### THE DELEGATE FROM UTAH.

Mr. BURROWS. I move that the rules be suspended and that the following preamble and resolution be adopted:

Whereas on the 12th day of May last a resolution was passed by this House instructing the Committee on Elections to investigate certain charges against the sitting Delegate from the Territory of Utah, GEORGE Q. CANNON, and report the result of such investigation to this House: Therefore,

*Resolved*, That said committee be, and is hereby, directed to report to this House the result of such investigation on Saturday of this week, immediately after the reading of the Journal, and that the minority report of such committee, if any, be submitted at the same time.

Mr. SPEER. That is a very extraordinary proposition.

Mr. GARFIELD. I object, if it will interfere with appropriation bills.

On seconding the motion to suspend the rules tellers were ordered; and Mr. BURROWS and Mr. SPEER were appointed.

The House divided; and the tellers reported—ayes 71, noes 77.

So the motion was not seconded.

Mr. HAWLEY, of Illinois. I desire to amend the resolution so that the committee shall report on Friday.

The SPEAKER. The resolution is not before the House.

#### PUBLIC BUILDING AT BROOKLYN, NEW YORK.

Mr. SCHUMAKER, of New York. I move that the rules be suspended and a bill passed directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York.

The bill was read. It directs the Secretary of the Treasury to report to Congress, at the beginning of the next session, whether the present needs of the Government require the erection of a public building at Brooklyn, New York, and the estimated cost of the same, including the site.

Mr. SCHUMAKER, of New York. I will say that the object of this bill is to inaugurate a movement with a view to the erection of a public building in the third city of the Union, a city that has paid \$40,000,000 of taxes during the last ten years, and which paid over \$4,000,000 last year. We merely want the Secretary of the Treasury to say whether a public building is necessary at that place or not.

On seconding the motion to suspend the rules tellers were ordered; and Mr. SCHUMAKER, of New York, and Mr. HAZELTON, of Wisconsin, were appointed.

The House divided; and the tellers reported—ayes 72, noes 51.

So the motion to suspend the rules was seconded.

The question was then put upon suspending the rules; and on a division there were—ayes 72, noes 71.

So (two-thirds not voting in favor thereof) the rules were not suspended.

#### EVENING SESSION FOR COMMITTEE ON INVALID PENSIONS, ETC.

Mr. RUSK. I ask unanimous consent that there be a session this evening, commencing at half past seven o'clock, for the purpose of considering reports from the committee on Invalid Pensions to be then made, and also such bills from that committee as may now be upon the Private Calendar.

Mr. LAWRENCE. I ask also that reports from the Committee on War Claims may be considered this evening.

Mr. RUSK. I must object, unless such reports are submitted after the Committee on Invalid Pensions have completed the work which they have.

Mr. HAWLEY, of Illinois. I desire to say one word. Of course I have no objection to the Committee on Invalid Pensions having the time which they ask. But I had intended to ask the House some time before the close of this session to allow the various committees to be called for reports of a private nature, to be referred to the Committee of the Whole on the Private Calendar. I think the gentleman from Wisconsin [Mr. RUSK] should name such a time when that may be done.

Mr. RUSK. After the Committee on Invalid Pensions are through with their business I have no objection to any other committee occupying the time of the House.

Mr. HAWLEY, of Illinois. Then I will ask that after the Committee on Invalid Pensions shall have concluded their reports this evening it may be in order to call the committees for reports of a private nature for reference to the Committee of the Whole on the Private Calendar.

Mr. GARFIELD. No action whatever to be taken upon them?

The SPEAKER. The Chair understands the proposition of the gentleman to mean for reference only to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. That is what I mean.

No objection was made, and it was so ordered.

#### WESTERN DISTRICT OF ARKANSAS.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, by unanimous consent, submitted a report upon sundry memorials and charges in relation to alleged irregularities in the conduct of the United States officers connected with the western judicial district of Arkansas, and moved that the committee be discharged from the further consideration of the subject, and that the report be laid upon the table and ordered to be printed.

No objection was made, and it was so ordered.

#### SUGG FORT.

Mr. BUTLER, of Tennessee, moved that the rules be suspended and a joint resolution passed providing that the Commissary-General shall have and exercise jurisdiction over the claim of Sugg Fort, of the State of Tennessee, for commissary stores furnished and used by the Federal Army; that said Commissary-General shall examine said claim, and award such amount as he may deem just and right in the premises, and the amount, if any, that he shall find due to said Fort shall be paid out of any money in the Treasury not otherwise appropriated; and that the said Commissary-General shall receive all papers and proofs now on file with said claim, and give them such weight as he shall deem and believe they are entitled to as evidence in the case.

Mr. WILLARD, of Vermont. Is that the report of any committee? If not, it seems to me we should not pass it.

Mr. BUTLER, of Tennessee. Why not?

Mr. GARFIELD. Why? That is the question.

Mr. BUTLER, of Tennessee. This claimant merely asks that the Commissary-General shall have jurisdiction over his claim.

Mr. BECK. I rise to a parliamentary inquiry. It is, whether this is reported from any committee?

The SPEAKER. The Chair is not informed.

Mr. GARFIELD. It is not the report of a committee.

Mr. BECK. Then I must object to private claims being put through in this way.

The motion to suspend the rules was not seconded upon a division—ayes 23, noes not counted.

#### DES MOINES RIVER LAND GRANT, IOWA.

Mr. ORR. I move to suspend the rules and pass the following resolution:

*Resolved*, That the House resolve itself into Committee of the Whole for the purpose of considering the House bill No. 1142, entitled "A bill to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States."

Mr. BECK. Is that the report of a committee?

Mr. ORR. The Committee on the Public Lands have unanimously reported this bill, which is now in Committee of the Whole, and the report accompanying the bill is printed and has been upon the tables of members for two months.

Mr. BECK. Is the gentleman authorized by the committee to ask for the passage of this resolution?

Mr. ORR. I am. We have for a long time endeavored to get this question up for consideration. I am willing to limit the debate to two hours.

Mr. KASSON. Or to one hour.

Mr. ORR. It is necessary, of course, to make some statement in regard to the bill.

Mr. BECK. I am only endeavoring to ascertain whether committees are to be allowed to report, or the time of the House taken up by propositions from individual members.

The question was taken upon seconding the motion to suspend the rules; and upon a division there were—ayes 67, noes 32; no quorum voting.

Tellers were ordered; and Mr. ORR and Mr. HOLMAN were appointed. The House again divided; and the tellers reported that there were ayes 101, noes not counted.

So the motion was seconded, and (two-thirds voting in favor thereof) the rules were suspended and the resolution adopted.

The House accordingly resolved itself into Committee of the Whole, (Mr. ELLIS H. ROBERTS in the chair.)

The CHAIRMAN. The committee by order of the House will now proceed to consider the bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and home-

stead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States.

The bill was read.

The first section provides that the sum of \$404,228, or so much thereof as may be necessary, be, and the same is thereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used by the Secretary of the Interior for the purpose of securing a relinquishment of the title to the lands lying north of the Racoon Fork of the Des Moines River, in the State of Iowa, which may be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, in accordance with the report of the commissioners appointed by the President of the United States, under the act of March 3, 1873, entitled "An act to authorize the President to ascertain the value of certain lands in the State of Iowa, north of the Racoon Fork of the Des Moines River, held by settlers under the pre-emption and homestead laws of the United States."

The second section provides that the Secretary of the Interior shall require the persons whose names are embraced in the report of said commissioners, or the persons who may be found by examination to be entitled to the benefits of the act by reason of the failure of title to the several parcels of land embraced in said report, to furnish proof of the character of the claim or title to each of said parcels of land; and when such proof shows to the satisfaction of the Secretary that the party making the same has complied, so far as it was in his or her power to do, with the laws and regulations for the acquisition of lands of the public domain, and under which the said parties would in the absence of any conflicting claim be entitled to receive an absolute title thereto, he shall cause to be paid a sum not to exceed in amount the appraised value thereof, to the owners in cases where a relinquishment to the United States of their title can be procured for that amount, but otherwise the same amount shall be paid to the persons entitling themselves to the same by making the proofs as aforesaid, taking the receipts of the said parties for the same, provided, that a patent duly issued in the regular form by the President of the United States shall be conclusive evidence of a compliance with the provisions of the section relating to proof; and provided further, that in making payments under the provisions of the act, in all cases where the Government price has not been paid by the purchasers at the time of or subsequent to the entry of the same, that amount shall be deducted from the amount at which such land is appraised by said commissioners, and payment, when made under the provisions of the act shall be only of the amount of such difference.

Mr. ORR. I have no disposition, Mr. Chairman, to occupy unnecessarily the time of the committee. I know the pressure which there is for the consideration of different measures now before the House, but it is necessary for me to make a short statement of the principles involved in this bill. Making that statement as short as I possibly can, I will then submit the question to a vote.

This bill is for the relief of about three hundred and fifty settlers in Iowa, who have purchased lands from the Government of the United States, some of them having occupied them for twenty years and some for less time, the terms of occupancy varying from five to twenty years. More than fifty of these settlers have patents for their lands, others have pre-emption certificates, and still others have homestead claims; all of which have been declared by the Supreme Court of the United States invalid, the court holding that the homes upon which these settlers reside are the property of what is called the Des Moines River Navigation Company.

One of the earliest grants of land made by Congress for purposes of internal improvement by the act approved August 8, 1846, entitled "An act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River in said Territory." (Statutes at Large, volume 9, page 77.)

This act was passed ostensibly in the interest of improvement, and was urged as a measure having for its object the development of a new and unsettled country. It contained nothing suggesting an inference of a purpose foreign to the plain provisions contained in it, and to all appearances it was properly guarded and ample to accomplish what its authors claimed, the making of the Des Moines River navigable from its mouth to the point where the Racoon River empties into it. The donation was a large one and of sufficient value, but was made upon insufficient information as to the practicability of the proposed improvement, and was exhausted in demonstrating the fact that the object of the legislation could not be attained, and that any attempt to make that river a navigable water-course was fruitless and chimerical.

The bill appropriated for that purpose a tract of land in alternate sections in a strip five miles wide on each side of the river, which runs through the heart of the Territory, and embracing an extent of lands unsurpassed in beauty and fertility, mostly covered with forests of valuable timber, and underlaid with rich deposits of coal.

Iowa was at that time an obscure and comparatively unknown Territory, and Congress in making this donation evidently did not appreciate the importance of its action nor the great value of the gift bestowed, nor the fact that this strip of land thus given away with so little ceremony would soon become the homes of a vast population



And as if to avoid further trouble and stop any vexatious dispute about this seemingly valueless donation, a provision was inserted in the bill "that when the Territory should become a State the land granted should become the property of the State for the purposes contemplated in the act, and no other."

The bill was in four sections; the three last, being only directory, are unimportant. The first section states the designs and objects of the bill and makes the grant, and it is from the calamities which are the offspring of the ambiguities and obscure phraseology of this section that the people who have settled upon and bought the lands contained within this grant now seek through the pending bill to be delivered.

To make the history of this case as well as the remarks I intend to make more clearly understood, I quote from the act making the grant so much of the provision as contains the ambiguous language, the conflicting interpretations upon which resulted in a serious train of evils.

The act reads:

That there be, and hereby is, granted to said Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork (so-called) in said Territory, one equal moiety in alternate sections of the public lands, &c., in a strip five miles in width on each side of said river, to be selected within said Territory.

The object of the bill is clearly defined to be to secure the improvement of the river from its mouth to a definite point, which is situated not more than half-way up the river from its mouth to the northern line of the State; and there can be no doubt that it was the intention of Congress to make the grant coextensive with the improvement to be made by it. But the wording of the law, so far as it relates to the selection of the lands, is left somewhat obscure.

That Congress intended only to grant lands as far up the river as the improvement was contemplated I think is evident from the fact that when the bill making the original grant was made the opinion of the Commissioner of the General Land Office was asked upon the effect of the proposed legislation, and he returned for his reply that it would grant lands only coextensive with the improvement, and made a statement of the number of acres it would take to satisfy the terms of the law, and this letter it is understood was quite influential in passing the bill. The Land Department maintained this construction after the law was passed, and in its instructions to the local land officers permitted no lands to be selected in satisfaction of said grant north of that point. But as the evils growing out of this grant have mainly been the result of legislation subsequent to the original act, it is only necessary to glance at the constructions placed upon the first act in order to obtain a correct idea of the complicated history of this singular case.

The grant was made while Iowa was a Territory, but later in the same year she was admitted into the Union as a State, and soon after her Legislature formally accepted the trust and appointed agents to select the lands, who, in the performance of their duties, followed the instructions of the department, and selected no lands above the limit of the proposed improvement.

This construction formed the basis of action both by the State and the United States for several years, and was undoubtedly the correct one. There being now no dispute about the extent of the grant, both the State and the Government having acquiesced in this construction, the lands above the admitted northern limit of the grant were thrown open to settlement, and on the 19th day of June, 1848, the President issued a proclamation ordering them into market, appointing the sale to take place on the 16th of the following October.

The fact that pre-emptions made upon these lands prior to the day of sale would hold them excluded from the operation of the sale, and the fact that these lands were among the best in the State, or in the entire West, being a belt of timber and coal lands, and of unsurpassed fertility, attracted to them a vast flood of settlers in search of homes, and they were rapidly filled up.

The settler who went upon an odd-numbered section felt as secure as the one who went upon an even section, and both were alike recognized by the Land Office and accorded and believed to be entitled to the same rights and in the enjoyment of the same departmental protection, and both in the same ignorance of the utter desolation in store for that section of country on account of the subsequent fatal change of construction and the congressional acts by which the grant was afterward spread over them, covering them with its blight.

Certificates of location were issued alike to claimants of the odd and the even sections, and they were allowed without distinction, pending the proclamation for the sale, to prove up and pay for their pre-emptions.

The Commissioner must, however, have entertained views inconsistent with his action in authorizing these lands to be proclaimed for sale, for it appears that previous to the proclamation and as early as the 23d of February, 1848, he had written to the secretary of the board of public works which had been organized by the State, reversing the former decision of his office and expressing his opinion that the grant extended to the northern line of the State, extending it thereby some two hundred miles above the point to which the former decision had limited it.

At once the board of public works, desirous of enlarging the grant to the utmost limit, sought a confirmation of this last decision and protested against the sale of any of the odd sections within the grant as thus extended and enlarged beyond its former supposed limits.

This protest, backed up and seconded at Washington by such influence as could be brought to bear, had the effect to procure a withdrawal of all the odd sections from the sale which had been already proclaimed, and also a decision from the Secretary of the Treasury, Hon. Robert J. Walker, confirming the construction last placed upon the law by the Commissioner, and sustaining the views of the protest made by the board of public works.

Commissioner Shields had at the time the grant was made estimated the number of acres granted at two hundred and sixty-one thousand, but under this more liberal construction the grant, as shown by the report of the Commissioner of the General Land Office to Congress made on the 11th day of January, 1849, which was two months in advance of the announcement by Secretary Walker of his decision, was estimated as nine hundred thousand acres.

Notwithstanding this change of decision announced by the Commissioner as early as February, 1848, no order was made withdrawing the lands from sale until June 1, 1849, more than a year after this change had been determined upon, during which time these lands were rapidly filling up with settlers.

This construction of the law was adhered to until the organization of the Interior Department, with Mr. Ewing as Secretary, and the transfer of the Land Bureau to that Department, and this question being submitted to him he reversed the decision of Mr. Walker, and the grant was again limited to the Raccoon Fork and made to conform to the limits of the improvement.

From this decision the beneficiaries of the grant appealed to the President, who referred it to the Attorney-General, Hon. Reverdy Johnson, who gave an opinion differing from that of Mr. Ewing; but before its publication the death of General Taylor caused the dissolution of the Cabinet and the retirement from office both of Mr. Ewing and Mr. Johnson, whose places were filled in the formation of a new one by Mr. Stuart as Secretary of the Interior and Mr. Crittenden as Attorney-General.

This question was submitted to Mr. Crittenden, and he, taking an opposite view to that of Mr. Johnson, decided that the grant only extended to the Raccoon Fork, but was overruled by the President and Cabinet, to whom the matter had been referred, which rendered a decision in favor of the claim of the State and reversing that made by Mr. Ewing. Following this action the Interior Department proceeded to certify the lands above the disputed point for the benefit of the improvement.

During all this time the State, through its board of public works, was endeavoring to prosecute this improvement, and did so until the year 1854, when she made a contract with the corporation called the Des Moines Navigation and Railroad Company, but in that country more familiarly known as the River Company, as for convenience I shall hereafter designate it.

To this company the State was to convey the lands of this grant, and in return therefor it was to complete the improvement, estimated to cost \$1,300,000.

The State ceased to have any interest in the grant except as trustee for the company and her natural desire to obtain the improvement intended, and the company became interested in the enlargement of the grant to the greatest possible extent and in performing the work for the least possible amount of money or in being exonerated from doing it at all, provided it could be still allowed to retain the consideration.

To the accomplishment of these several objects the energies of the company were thenceforth assiduously directed, and with abundant success, as the sequel will show.

Mr. Johnson, the late Attorney-General, who had expressed such liberal opinions as to the extent of the grant while in office, became the attorney of the company, and under his adroit management its affairs seem to have been conducted to the attainment of results which must have been highly gratifying to its stockholders.

Having obtained possession of the grant, the fulfillment of the conditions imposed occasioned the company but little concern, for it required less effort and expense to get relieved of the performance of them by congressional action than to perform them.

Of the fifty-two dams contemplated in this improvement only two were ever completed, and they in such a manner that they became an obstruction rather than a help to the navigation of the river; and when in 1856 Mr. McClelland, who had become Secretary of the Interior, refused to certify any more lands, the company declined to proceed with the work and effected a settlement with the State, confirming to it all the lands thus far certified, and establishing the basis upon which any legislation which might be obtained favorable to the State should inure to the benefit of the company.

In this settlement is foreshadowed the tactics of the company, which were to secure title to the lands, so far as certified, and obtain all the interest of the State resulting from any subsequent legislation, and transfer to other shoulders the burden of the improvement.

A railroad company had been organized to construct a road along this identical strip of land, which was willing to take the residue of the grant not already certified and deeded to the River Company, to aid in the construction of its road, and hence this settlement provided:

That if Congress shall permit a diversion of the lands of said Des Moines River grant, or the title thereto shall become vested in the State so as to become subject to grant, the said remaining lands, after the payment of all the liabilities as aforesaid, &c., shall be granted to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad up and along the Des Moines River.

This part of the agreement was upon the condition that Congress should assent to it, but it is not difficult to see what such assent would imply, or how the River Company should gain by it. It implied an abandonment of the improvement of the river, but gave the company all the lands thus far certified, amounting to over six hundred thousand acres, for the small amount of work it had done on it. It gave the company any possible interest the State might have in any future legislation of Congress touching this grant, and the power to use the name of the State to secure enactments for its own benefit. And thus unloaded of all liability imposed by the grant, it would be left free to enhance its own interest by any means its agents or attorneys might suggest, and to that end they for several years vacillated between Congress and the Legislature of the State, and finally secured the assent of Congress to this arrangement by an act passed July 12, 1862.

In the mean time, however, a new complication entered into this question, for on the 15th day of May, 1856, Congress granted lands to aid in the construction of four railroads through the State running from east to west, three of which passes through the river grant cutting it at right angles, since its general direction was from north to south.

The river grant was ten miles in width while the railroad grants were each fifteen miles in width, so that at the crossing of each a quantity of lands embraced within a rectangle ten by fifteen miles in extent was covered by both grants. At the time of the passage of this grant to the railroad companies those lands were all held by the Department to belong to the River Company, and its title was generally acquiesced in; but to remove all doubts a provision was inserted in the grants to the railroads, intended to expressly exclude them from the benefits of any claim to lands on their lines within the river grant, which reads:

That any and all lands heretofore reserved to the United States by any act of Congress or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same is hereby, reserved to the United States from the operation of this act.

This provision was supposed to be a complete and ample protection to the title of the River Company, which had established an office and was selling and conveying these lands as fast as it could find purchasers and the Department had certified them.

The railroad companies, notwithstanding the provision above quoted, resolved to contest with the River Company the ownership of these lands so far as they fell within their respective grants, and a case was taken to the Supreme Court by the Dubuque and Sioux City Railroad Company in an action in which Edwin C. Litchfield, a grantee of the River Company, was made a party, and the court decided that Litchfield had no title because the grant to the River Company, under which he claimed, did not extend above the Raccoon Fork.

This was the first judicial construction of the extent of this grant, and reversed the ruling of the Department under which these lands had been certified.

This would have been a finality of this question so far as the River Company is concerned, and a happy consummation so far as the settlers were interested, had the matter rested here and no subsequent legislation been sought or obtained in the matter.

The River Company, in obedience to this decision, ceased to pay taxes upon these lands or exercise any acts of ownership over them. And although the court did not pass upon the title of the railroad companies, yet its decision was so accepted and the lands were believed to have passed to them, and the Interior Department under this belief certified them to the railroads notwithstanding it had formerly certified them to the River Company.

Offices for the sale of these lands were established by the railroad companies, and many parties who had once bought their lands of the River Company now bought the same lands again of the railroad companies.

The fifteen-mile limit of the railroad grants did not cover the entire number of sections in the river grant, and there remained within it about seventy thousand acres which were not reached by the last grant. This land had been certified to the River Company and was not contested by the railroads, for it was outside of their limits, but the Supreme Court had decided that as it was not in the river grant it was improperly certified under it.

The first effort of this corporation was directed to the acquisition of this land and the attainment of such congressional action as would validate these certificates, so far as they did not conflict with those made to the railroad companies.

With this supposed intention and modestly disavowing any design beyond that, the company secured the passage by Congress in 1861 of a resolution entitled "A joint resolution to quit-title to lands in the State of Iowa," intended by Congress to have the scope and effect above indicated, and the action was thought to be fair and equitable, inasmuch as it would, as far as Congress had the power, correct an error of the Department and enlarge the grant only by the addition of lands to which no other claim could attach. Its passage was urged on the ground that the State, in the belief that she had the right to do so, had sold these lands to actual settlers, who were supposed to have occupied them as purchasers of the State and whose failure of title would be cured by this action of confirmation to the State, and in order to remove any doubts as to its effect the resolution was worded so as to apply to lands held by "bona fide purchasers under the

State of Iowa," and these words were inserted, as the discussion on the passage of this resolution shows, for the protection of actual settlers.

But Congress acted upon insufficient as well as erroneous information, and the language inserted as a safeguard had an operation exactly the reverse of what was intended.

The State had not sold any of these lands to actual settlers, but had conveyed the entire grant so far as certified—and hence as far as this resolution would apply—to the River Company. If any settler occupied any part of this land he had bought it of the River Company or of the Government prior to its withdrawal from pre-emption entry, and if he had bought of the Government and his pre-emption was contested by the company this resolution did not protect him, but did protect *bona fide* purchasers from the State, of which there was but one, and that was the River Company.

But this resolution had a much wider scope or purpose than to secure the fragment of lands falling outside of the railroad grants. It had a design far beyond the penetration of the Congress which passed it; and while it seemed applicable only to the seventy thousand acres not in conflict, yet it actually relinquished to the State, for the use of its grantees, the entire grant, and cured the erroneous action of the Department in certifying them to the River Company. It made its title absolute to the lands not in contest, and as to the remainder dependent only upon such judicial decision or congressional action as might be secured to invalidate the claim of the railroad company to them. It conferred upon the State all interest the United States retained in this grant; and although based upon the supposition that the great majority of it had passed to the railroad companies, the application of the common-law rule, that an after-acquired title inures to the benefit of the grantee, would at once invest the River Company with an absolute title to all of it the moment that of the railroad company should be declared invalid.

In this supposed settlement of this question all parties appeared to acquiesce. The River Company ceased to assert any ownership over any of these lands inside of the railroad limits but, yielded to the claim of the adverse owners, ceased to pay taxes, or protect the timber or coal upon them. The railroad companies assumed this ownership, sold and conveyed the lands, and located towns upon them, and cut and used the timber upon them in the construction of their roads with that freedom which would very naturally result from a belief in an absolute and unquestioned ownership of them.

In the next year, 1862, this River Company again invoked Congress for more legislation on this question, but for what purpose or what reasons were urged for it does not appear, for the act was passed without debate. Its object was made apparent when afterward, in 1864, the Supreme Court passed upon its provisions. It extended the grant of 1846 so as to cover the entire belt of land up to the northern line of the State, and, except as to the rights of the cross-railroad companies, recognized the largest claim ever urged by the River Company as valid, and gave it the lands of which it had been deprived by the Supreme Court in the "Litchfield case." It gave the assent of Congress to the diversion of the uncertified portion of the grant to the Keokuk, Fort Des Moines and Minnesota Railroad Company, which had been prepared for and foreshadowed in the joint resolution of the State Legislature of 1858, before referred to. It gave the company 297,600 acres of land as indemnity for that amount certified to the railroad companies, but which would have otherwise inured to it by virtue of this enlargement of its original grant. And it provided indemnity for any possible reduction of the amount of its full claim by any cause whatsoever.

With the passage of this act the final preparation of the company for testing its rights and those of its adversaries was consummated, and re-enforced by this supplemental legislation it again went to the Supreme Court of the United States in a cause which brought directly in issue the validity of the title of the several railroad companies to lands certified as inuring under their several grants within the enlarged limits of the river grant where it was crossed by them.

A tract of land thus situated within the river grant was conveyed by the River Company to Samuel G. Walcott. The same tract was also within the grant to the Dubuque and Sioux City Railroad and claimed by that company, and since the decision in the Litchfield case the latter claim had been by the Government recognized as valid, and on that theory Walcott brought suit against the River Company for breach of covenant and alleged failure of title. The court decided that there was no failure of title; that the several railroad companies took no title by virtue of the grant to them in 1856 to any lands within the limits of the Des Moines River grant.

In its review of the laws bearing on this question the court in this case disposes of the claim of the railroads upon these lands in a few sentences, and decides that the proviso in the act of 1856, to which I have heretofore alluded, operated to expressly exempt these lands from the provisions of that act, and further says:

That in reading it in connection with the act of 1846 we think it difficult to resist the conclusion that Congress in the passage of this proviso had specially in their minds this previous grant.

For this decision the River Company had fully provided, as we have shown, by the joint resolution of 1861 and the act of 1862. By the terms of the latter act the grant had been extended to the northern line of the State, and the construction upon the original grant of 1846 by the Supreme Court, limiting it to the Raccoon Fork, avoided. Under the joint resolution of 1861 the lands thus added to the original



grant were confirmed to the State for the benefit of its *bona fide* purchasers, and the River Company alone occupied that relation.

The decision of the court in the Walcott case and the construction given by it to the several acts of Congress affecting this grant would no doubt have been final and would have been acquiesced in by the Department in the disposition of these lands had any question been raised during this whole controversy involving the rights of pre-emption or homestead claimants of any of them, or the right of any settler claiming under the Government; but no such case had yet been adjudicated, and in all this legislation the rights of settlers had been left singularly unprotected. It would seem after this decision that the duty of the Department would be plain in its further disposition of these lands, and so I concede it would, had not a new complication entered into it.

The State, grown tired of this vexatious dispute, which was harassing and likely to ruin many of its citizens, and the River Company, annoyed by the uncertain tenure by which it held its claim upon them and desirous to avoid the disposition to lawlessness manifested toward it by many settlers on the lands, concluded to bring the whole matter to a final arbitration and adjustment with the Government; and accordingly the State, prior to the decision in the Walcott case, had appointed an agent and given him power to proceed to Washington and make a final settlement with the Secretary of the Interior of this whole matter. He performed that duty and made with the Secretary of the Interior such a settlement, binding the State and through it the River Company, to take in full satisfaction of its claim under all the acts of Congress relating to this grant a stipulated amount of land amounting to 558,004 acres, of which the lands claimed by the railroad companies did not constitute any portion.

This land the settlement conceded to the railroad companies, and the Government gave, and the River Company accepted in lieu of it, an equal quantity in another part of the State.

This is the contingency for which the act of 1862 heretofore referred to had so shrewdly provided.

This settlement was ratified by the Government through the Secretary of the Interior, by the Legislature of the State, and agreed to by the company.

Each party having taken every step necessary to make the contract binding and by it the River Company having solemnly relinquished its claim to all the land involved in this controversy, the whole contest was considered at an end. This settlement was made in May, 1865, and the Walcott decision was made at the December term of the same year.

Upon the announcement of this decision by the Supreme Court it became incumbent upon the Secretary of the Interior to again decide upon the status of the lands held by the railroad companies, whose titles under the decision had failed.

It was evident that the effect of the decision would have been to restore them back to the River Company's grant; but it, through the State, had just concluded a settlement by which it had agreed to a satisfaction of its entire claim by taking other lands for them, and hence in the opinion of the Secretary it was barred from making any claim it might have under the resolution of 1861 or the act of 1862; and he decided that they became a part of the public domain and subject to homestead and pre-emption settlement.

Persons holding pre-emptions upon some of these lands desiring to prove up and obtain patents for them presented themselves at the local land offices and were allowed to do so, and on appeal to the Secretary of the Interior, Mr. Browning, the pre-emptions were held good and the tracts ordered patented. Following this the Secretary of the Interior ordered the local land officers to admit pre-emption and homestead applications upon these lands, and upon being soon after notified that the River Company had enjoined them from carrying out the order of the Secretary, he ordered them to disregard the injunction and continue to receive the applications. The Secretary, confident of the correctness of his position, adhered firmly to his order allowing these lands to be taken up by settlers, and it was in obedience to the instructions at this time issued that the majority of the claims were made which afterward proved invalid, and for the failure of which relief is sought by the pending bill. These entries were all taken in the usual way and allowed by the authorized officers of the Government who acted under the mandatory order of the Secretary of the Interior, and the purchasers of them complied with every requirement the law imposed to perfect their entries.

Although the Supreme Court had made two decisions upon questions arising out of this grant, in neither of them had the validity of a title to a settler derived under a pre-emption entry or a direct purchase from the Government been involved.

In the case of *Hannah Riley vs. William B. Welles*, which was tried at the December term, 1869, the court held the title of the company good against the plaintiff, who had derived her title by a pre-emption which had been proved up and patented to her by the department. In this case the court disregarded the settlement made between the Government and the State and gave the company the lands in place, although it had previously taken other lands as indemnity for them. It held the title of the company absolute against all classes of claimants, and in the several cases which followed this one the same positions were maintained and reiterated. Under this ruling all entries in conflict with the grant to the River Company have been vacated

and the lands passed to that company. The patents which had been issued to settlers have been canceled.

These lands are all occupied by settlers who have spent years in their improvement and the erection of comfortable houses as homes for their families. Actuated by the belief that they were secure in their occupancy and their titles were perfect, they have devoted themselves more to their permanent improvement than to cultivation for immediate profit. Decrees have been rendered against all of them, and notices served informing them that writs will soon issue for their forcible ejectment from them. This decision has been followed in the several cases upon which the Supreme Court has since passed, but it was not until the last term of the court that all hope of getting it reversed was entirely abandoned by the settlers; but this same question having now been so often decided, it would seem useless to expect relief through that means. It is in my opinion useless to expect that an opinion so often reiterated by the court will ever be changed; but these unfortunate settlers must submit to be driven from their homes or purchase them of the River Company, which, for want of means, a majority of them are utterly unable to do.

These persons, as shown by Executive Document No. 25, of this session, are all actual residents upon the lands they claim, who have made their entries in good faith, and strictly in compliance with the regulations and decisions of the Interior Department. They hold the patents or certificates of the Government containing its promise to give to each of them a title to the land he claims. That promise the Government has now no power to fulfill for the reason that the Supreme Court says that the lands which she sold to the settlers she had already granted away to another.

The question now presented by this bill is whether the Government will in some measure protect the persons who hold her violated promises and upon which they have so long relied. The errors of which these people were the victims were not theirs, for they have made no claim not sanctioned by the Land Department, but were those of Congress or the officers whose duty it was to execute its laws.

Had the act of 1861 never been passed the lands under the decision in the Litchfield case could never have gone to the River Company, and had not the act of 1862 been passed the grant would have been forever limited by that decision so as not to include these lands. And whether Secretary Browning did or did not err in giving validity to the settlement to which the company had agreed is not a question now necessary to discuss, for he was overruled by the tribunal of last resort, which seems to have given no consideration to it, but in violation of it gave the company the lands they had relinquished.

Had the errors committed by Congress ended here the Government might still have retained out of this grant enough to remunerate these settlers for the homes they had lost, for this grant was not yet all beyond reach.

It will be remembered that the company had taken under the settlement indemnity for the lands it had relinquished to the contesting railroad companies, and afterward under the Walcott decision it obtained the lands in place, and it became apparent that it could not hold both without additional legislation. The attorneys of the company proved equal to the emergency and secured the desired congressional action, the effect of which was to give the company the last acre of the land, including the indemnity, and leave the settlers nothing out of which any protection might be derived for them.

At the close of the Forty-first Congress a bill prepared by them was passed which no doubt owed its passage to its deceptive title. It has been said that we use language for the purpose of concealing our ideas, but I am of the opinion, derived from a study of the legislation in this case, that it can be with the same propriety said that titles are given to bills for the purpose of concealing their objects or intentions. It was entitled "An act confirming the title to certain lands."

I do not believe a single member of the House understood the import of that bill, but all understood that it was merely to correct an error of the Department. Its effect was to give the company the two hundred and ninety-seven thousand acres of land certified to it as indemnity for that much land it had relinquished after the relinquished land had been given to it by the decision of the court, or in other words it gave the company the *lands in place*, and the *indemnity also*. It gave the company six hundred thousand acres of land, and at the same time ratified its agreement to take in full satisfaction half that amount. The Supreme Court was soon afterward called upon to put a construction upon this act, in a case decided at the December term, 1872, known as the Homestead case, in which Justice Davis says:

Although the ratification of the adjustment and the grant to the Valley road would seem to be inconsistent acts, yet Congress with full knowledge on the subject, on the 3d of March, 1871, confirmed the title to the State and its grantee.

Continues Mr. Davis:

Congress therefore, with full information that the State of Iowa was not entitled to these indemnity lands by reason of any previous legislation, thought proper nevertheless to give them to the State.

With this act ends a long series of legislative acts and departmental and judicial decisions, which combined have operated to give away over one million acres of the best lands in Iowa, receiving what proved in the end to be no consideration whatever, and to include among them those lands which the Government has sold and patented or cer-

tified to actual settlers, and in all these many transactions this class of persons seems to have been overlooked and forgotten.

To secure justice to these settlers is the object of this bill. They have occupied these lands under the solemn sanction of the General Land Office, from which many of them have received patents in due form. Upon these patents and certificates they have relied for years, and believing themselves protected by them they have invested all their means and spent all their labor in improving them. In these homes these people have their entire wealth, and as their titles have failed through no fault of theirs, it is the solemn duty of the Government to see that they shall not be driven from them.

Mr. PARKER, of Missouri. Will the gentleman yield to me for an inquiry?

Mr. ORR. Yes, sir.

Mr. PARKER, of Missouri. I simply wish to get a right understanding of this case in order to support it if I can and if it is shown to me that it is just. I want the gentleman to explain to the House how we can, as a deliberative body, after refusing yesterday to pay for land for which we have refused to pay for forty-four years, vote consistently to pay for those lands in reference to which there is not any more honest claim than in the other case. If the gentleman can explain that I hope he will.

Mr. ORR. I do not wish to discuss the Choctaw claims in connection with this matter. I do not know but the House have done many things which it ought not to have done.

Mr. LAWRENCE. The two matters have no connection with one another.

Mr. HARRIS, of Massachusetts. Will the gentleman yield to me for a question?

Mr. ORR. I have no objection to yielding for a question, but I desire to occupy as little as possible of the time of the committee in presenting this case.

Mr. HARRIS, of Massachusetts. I wish to ask the gentleman whether the bill contemplates the payment of a greater sum to these settlers than they have paid to the Government?

Mr. ORR. It does. I will come to that by and by, and expect to explain it. Now, I believe I have stated how these parties got into possession of these lands. They are on these lands with the authority of the Government. The accredited officers of the Government have allowed them to make these settlements. They have relied upon them for years; and not only that, but they relied upon them under the decision of officers who were supposed to know what they were deciding. I ask the committee if the different Secretaries of the Interior and the judges of the Supreme Court were to differ, as they have differed, in regard to whether this was Government land, or whether it belonged to the grant—I will ask how a settler, who never looks beyond his certificate, never looks beyond the office in which he secures his title, is to know whether the land is Government land or not? It is enough to say that the decision of Secretary Browning was overruled by the Supreme Court.

Mr. CONGER. Why do you not bring in a bill determining the rights of the settlers as against this navigation company?

Mr. ORR. Because the Supreme Court has decided that the title was absolute, and we cannot set aside a decision of the Supreme Court. The property belongs to the company, and it has been so decided by the Supreme Court. That decision I do not understand that this House has any authority to set aside. This House has authority to grant relief to these parties. And these parties having relied on the promise of the Government for fifteen years, it seems to me it would be unworthy of the Government of the United States, when these parties come and present their patents and ask their homes, to make to them the reply of Shylock, and say that it is not so nominated in the bond.

Now let me say a word as to the question propounded to me in regard to the amount of consideration. As a legal proposition I admit that these parties have not the kind of claim which would enable them to collect in a court of the United States what this bill gives them. As a legal question the man who entered his land at \$1.25 per acre fifteen years ago could enforce the repayment to him of that \$1.25. But what relief is that to a man who went in the prime of life on his land twenty years ago, paid his \$1.25 per acre, improved it, and at the end of twenty years finds his patent void? What advantage is it to him that under such circumstances he should be allowed to go to the Treasury of the United States to draw his \$200 for his quarter-section?

At the last session of Congress a bill was passed and became a law providing for the appointment by the President of a commission composed of three men, for the purpose of ascertaining the value, exclusive of improvements, of such tracts of land within this grant as had been sold to actual settlers whose titles had failed.

This commission was appointed in pursuance of this act, and have discharged the duty assigned them, and their report has been presented to the House, and is Executive Document No. 25.

They have faithfully performed the trust and scrupulously protected the interests of the Government, by placing upon the lands a moderate estimate as to its value as well as by excluding from their list all cases which were not of undoubted merit. The value they have in all cases placed below that at which they can be obtained from the owners.

Mr. WOODFORD. Does this propose to pay for the improvements as well as for the lands?

Mr. ORR. This does not include any payment for improvements. The commissioners were required to appraise the land exclusive of improvements. Of course if the parties were dispossessed they would have a right under the occupying claimants law of Iowa to recover for their improvements from the River Company; but we all know how it is. Here is a wealthy corporation, with attorneys employed by the year, while each settler is single-handed and alone, needs all his earnings for the improvement of his land, and a long litigation would mean ruin and bankruptcy to him.

Mr. BARBER. Will the gentleman allow me to ask him a question?

Mr. ORR. Certainly.

Mr. BARBER. Suppose a homesteader has gone on there under a mistake of the land office and has acquired a homestead on these lands and has never paid the Government one dollar and has been ousted; is it right that the Government should now turn round and pay him the appraised value of that land, when they have never received one dollar from him?

Mr. ORR. Of course it is right. It is not a mere consideration of money. It makes very little difference whether a man paid \$200 ten years ago or not. He is ousted from his home and he has relied on his homestead certificate, when he had that certificate from the register and receiver indorsed by the Commissioner of Public Lands, just as much as though he had paid \$200 for his land.

Mr. KASSON. It is the Government perfecting a title, just as in the Mississippi cases.

Mr. G. F. HOAR. Before the gentleman passes from that point I desire to ask him a question, and it is this; Does not this bill involve the establishment of the principle in our legislation that when the Government sells land to settlers for a nominal price, still it is called upon to make good the title to that land at any future time when that land may have increased in value or to pay the actual value of the land, and does the gentleman consider that a proper principle to establish? Suppose the Government sells land for \$1.25 an acre, or the mere expense of surveying all the public lands throughout the entire unoccupied region of country; are we to accompany that sale, which is a substantial gift to the settler, with the principle that it is a warrant deed, so that whenever in the future the title fails, although the value of the land has risen one hundred or a thousand fold, we are to pay the whole value at the time the man is ousted?

Mr. ORR. In reply to the gentleman from Massachusetts [Mr. G. F. HOAR] I have this to say, that this is a peculiar case. I have no doubt that most cases of conflict of title are settled by the Department Bureaus. But this is a case involving the claims of about three hundred and fifty settlers, who claim their titles all in the same way. Their hardships have been brought upon them by a mistake, not by a clerical mistake of the Department, but a mistake of law. The Secretaries of the Interior and the Commissioners of the General Land Office have differed in their constructions of the law, and the settlers having acted under the direction of the Commissioner of the General Land Office in one case, and that action having been reversed by other Commissioners, and finally by the Supreme Court of the United States, I have no hesitation in saying that in such cases it would be right to establish the precedent that these people should be paid as this bill proposes.

In the year 1802 Georgia ceded her territory situated in what is now the State of Mississippi to the United States. This cession included lands which the Legislature of Georgia had sold to several land companies for what appears to be a small consideration. These land companies sold the land to other parties. The State of Georgia afterward repealed the act by which the sale to these land companies was made, and it is said the more effectually to remove the evidence of it from the power of use, the records of the transaction were destroyed by fire drawn from heaven by means of a sun-glass.

The United States having accepted from the State of Georgia this territory, proceeded to dispose of it to those who desired to purchase these lands.

The Supreme Court in the case of *Fletcher vs. Peck* (7 Cranch, 166) held the grant by the State of Georgia to the land companies good, and that its repeal by the Legislature did not destroy the rights of innocent purchasers from them; and hence the title of those to whom the United States sold these lands failed, and Congress made an appropriation of \$3,000,000 to procure a relinquishment of the title of claimants under the land companies.

This relief was based upon equitable and not upon purely legal grounds, as the report in that case will show.

Another precedent is furnished from Ohio, circumstances of which are these: When Virginia ceded to the United States her western territory she did so under the belief that the military warrants she had previously issued could all be located on the south side of the Ohio River, but provided that if these lands should prove insufficient to absorb all these warrants the residue of them should be located on lands between the Miami and Scioto Rivers in Ohio, which was set apart as a reservation for that purpose, and to determine the extent of this reservation a line, known as Ludlow's line, was run from the source of the Miami to the nearest point on the Scioto River. Subsequently a new boundary line of the reservation was established, known as Roberts's line, which ran from the source of one river to the source of the other, and included about fifty-five thousand acres more land than the former survey, a large portion of which the United States had sold to settlers.



The Supreme Court held in the case of *Dodridge's Lessees vs. Thompson & Wright* (9 Wheaton, 469) that the latter was the true boundary; that the settlers to whom the Government had sold these lands had no title. Congress made an appropriation May 26, 1830, which was used to purchase the superior title and procure a relinquishment to the United States of the same in favor of the settlers to whom she had sold them.

In this case the legal rule which only required the return of the purchase-money was not applied, but the value of the land exclusive of improvements was ascertained by a commission, and the assessment put by them upon the several tracts of land was paid, regardless of its original cost, in order that the covenants of the Government should remain unbroken with its own purchasers.

Mr. SMALL. Will the gentleman allow me to ask him a question?

Mr. ORR. Yes, sir.

Mr. SMALL. It is whether these settlers, for whom this relief is asked were upon these lands at the time this grant was made in 1846?

Mr. ORR. No; there were no settlers on the lands then.

Every consideration of equity, justice, and right dictates the passage of this bill. To do so is to make good the sacred promises of the Government now violated, and secure to over three hundred families the homes they have long thought their own. To refuse it is ruin and bankruptcy to them, and a lasting disgrace to the national honor.

During the examination of this bill by the committee the opinion of the late Commissioner of Public Lands was asked upon it, and I will close my remarks by sending to the Clerk's desk to be read a portion of his reply touching the propriety of the passage of this bill, a part of which I now ask the Clerk to read.

The Clerk read as follows:

A copy of the decision of Mr. Secretary Browning, dated May 9, 1868, in the case of *Herbert Battin*, was furnished Hon. Mr. ORR on the 10th instant, which will more fully explain the view entertained.

In 1869 the Supreme Court declared the patent issued to *Hannah Riley*, October 15, 1863, void, thus disposing of alleged pre-emption rights prior to the act of 1862; her settlement having commenced in 1855.

In 1871, March 3, Congress legalized the selection of indemnity taken by the State as recognized in the *Harvey* adjustment.

Under this act the Supreme Court, at the December term, 1872, has decided that the entire interest relating to all the lands has passed to the State.

Thus the settlers are without remedy to save their homes, which they have been practically invited by officers of the Government, acting in their official capacity, to rear upon these lands.

It would require long time and labor for me to follow the records, page by page, to ascertain the particulars of each individual case, with date of settlement, value of improvements, &c., as requested by you.

Congress has assigned to a proper commission power to make the inquiry upon the ground, and their report has been presented. From a hasty examination, I am satisfied the work has been faithfully performed.

The commissioners say: "The persons whose names we have listed either hold patents or the usual receipts from the local land offices at Fort Dodge and Des Moines, showing that they had filed their declaratory statements, and that the regular fees for the same had been paid to and accepted by the Government."

The bill before me provides for a still further examination into the merits of each case that shall be presented if it becomes a law. No probable opportunity for fraud seems to be afforded. In my opinion, some compensation is due these settlers for the material injury inflicted upon them by the agents of the Government.

What shall be the measure of this reparation is for Congress to determine. As you will see from the foregoing, this is a case upon which the most profound jurists of the country have differed in judgment. These settlers took the law from the Government officers after appeal to the highest departmental authority, and had a right to repose confidence in their decisions. Yet we have seen the courts steadily denying those conclusions, and in the final result the poor, unlearned settler is still further impoverished, and his labor is swallowed up by an enriched corporation.

Considering the fact that these settlers have acted in good faith, relying upon the decisions of the Government officers, who were supposed to know the law, I think they are entitled to relief; and although under ordinary circumstances and in cases involving less extreme and peculiar hardship, I would not be willing to recommend compensation in money for losses sustained by settlers upon lands which Congress granted away, I think in this instance, as the Government cannot perfect the titles which it undertook to confer upon these settlers without an appropriation of money, and as the settlers in going upon the lands had a right to believe that their titles would be perfected in the ordinary manner, and have invested their labor and means in improvements which they cannot abandon without ruinous loss, an exception to general rules and practice should be made in their favor, and therefore I approve and recommend the passage of the bill under consideration as the only practicable measure of relief under the circumstances and at this late day.

In the act of March 31, 1814, a precedent for reimbursement in money for failure of title to public lands was established. To what extent it has been followed in subsequent legislation I have not had time to ascertain by examination of succeeding statutes, that being a matter not necessarily connected with the administration of this office.

Very respectfully,

WILLIS DRUMMOND,  
Commissioner.

Mr. ORR. I have nothing to add in relation to this bill except that it has received the entire approval of the Committee on the Public Lands of the House and the Commissioner of Public Lands.

Mr. WILLARD, of Vermont. Mr. Chairman, I think it is worth our careful attention to determine whether we are establishing in this case a correct measure of damages. From some examination which I have given to this case I am not able to see but that the flaw in the title as claimed here has been established by the Supreme Court. The United States, in other words, has undertaken to give title to certain settlers to lands which were at the time supposed to be public lands, and that title has failed by reason of a grant which Congress itself had made prior to the time when these settlers supposed they were getting a title from the United States. The decision of the Supreme Court in unraveling this title, has established as a matter of law that certain settlers, who went upon lands which they had

good reason to suppose were lands of the United States (because the officers of the United States, including the Department here at Washington so treated them) have no title to the lands they have occupied; that the Des Moines River Navigation Company really owns the land.

At the same time there is much in the history of this case which is worth considering. In the first place, this grant of land has been a very large one. The State of Iowa has received from the United States a large grant in addition to what it had deeded away to the Des Moines Navigation Company. And perhaps it is worth while to remember (although it is altogether too late to shed tears over the fact) that the grant of land did Congress no good so far as the navigation of the Des Moines River is concerned, notwithstanding something like five or six hundred thousand acres have been granted by the Government in connection with this improvement.

But the title to these lands having failed, and the Government being, as I think it is, fairly in fault in the matter, what should be the measure of damages? In other words, what, if anything, should the Government return to the settlers who have gone upon those lands and are now liable at any time to be dispossessed? I understand that the bill provides for allowing to them about ten dollars an acre; a little more possibly. The commission which was sent out to appraise these lands found that their present value was a little more than an average of ten dollars an acre, and this, as I understand, was irrespective of any buildings or improvements of that sort upon the lands.

Mr. ORR. The gentleman will permit me to make at this point a single statement, lest the House might be led into a misunderstanding. The commission reported the owners' price—the price at which the land could be bought from the owners—as \$14.25 an acre.

Mr. WILLARD, of Vermont. But I understand that the commission reported about ten dollars an acre as in their judgment the present value of the land, though the settlers in most cases ask considerably more.

Now, as I was about to remark, I do not understand that it has been the practice of the Government—certainly it has not been the uniform practice—to pay back to settlers under these or similar circumstances anything except the amount which the Government actually received from them. In this case it is proposed to pay to these settlers the present value of their lands—ten dollars an acre.

In determining this question it should be taken into consideration that the Des Moines River Navigation Company has now, I suppose, absolute title to these lands and can eject any of these settlers by bringing suit; so that while this money will go to the Des Moines River Navigation Company, it is really for the benefit of the settlers—for buying these lands over again from the Des Moines River Navigation Company. The appropriation in the bill, as I understand, is to pay this money to that company, provided it will release all claims to these lands and give them up to the settlers.

Now, sir, I desire to call the attention of the gentleman from Iowa, [Mr. ORR,] who I presume will speak upon this case still further, to this single point—the question of damages—how far the United States should go, in case of a failure of title like this, in reimbursing the settler, in indemnifying him or paying him damages? We hold in other cases that a person having a claim against the United States, though that claim is thirty years old, shall be paid no interest upon it. We only allow him what we adjudge to have been due to him at a certain time; and we strike out ruthlessly all interest. I suppose, therefore, that we should strike out all damages that may be claimed by reason of lapse of time, because interest is damage by reason of lapse of time. These settlers have had the use of this property for ten years, probably more. Settling upon these farms they have paid no rent; many of them have paid nothing at all except the mere entry fees, as I understand; they have not paid the \$1.25 per acre as homestead settlers. They have had the use and occupation of the land from that time till the present; and now, when they are liable to be ousted, they ask that we pay them what the commissioners have appraised as the present value of the land.

This is a case not only important enough to be properly settled on its merits as involving a large amount of money, but also important because, whichever way we settle it, it will undoubtedly be drawn into a precedent. If we agree to pay these settlers ten dollars an acre for their lands, it will be taken as a precedent that hereafter in any case where the title granted by the United States has failed the Government shall hold itself liable to pay the present value of the land. If, on the other hand, we in this case, as in most other cases, pay to the parties merely what they have themselves paid into the Treasury, I suppose it will establish no new precedent. I am not prepared to say how I shall vote on that question if fairly presented. I wish only now to call attention to it.

Mr. KASSON. Does the gentleman say he considers this as an original precedent?

Mr. WILLARD, of Vermont. I have not had my attention called to precisely a similar case.

Mr. KASSON. This follows the precedent where \$5,000,000 were appropriated. But I will take an opportunity to explain in reference to this matter, as my own constituents are interested.

Mr. WILLARD, of Vermont. My object only is to call attention to this point, so that all the facts may be fully brought out.

Mr. McCRARY. Mr. Chairman, I shall detain the committee but a short time. It would be too tedious for me to enter into a dis-

cussion of all the history of these lands, or to undertake to state the various conflicting decisions made in regard to the extent of the land grant of 1846. It is sufficient for the purposes of the bill to say that here are a number of settlers who have been upon these lands for five, ten, fifteen, and some of them for twenty years, and who all went upon these lands upon the faith of the decision of the proper Department of the Government that they were public lands and that they could acquire a right to them by entry or by pre-emption or homesteading. They went upon them in good faith; they went upon them upon decisions of the proper authorities of the Government. They have lived there for a long period of time; they have raised their families there; they made their homes there; they have cultivated their farms, built their school-houses and churches; many of them have buried their children there.

After all this, Mr. Chairman, the decision of the Supreme Court of the United States declared that they have no title to these lands, which they supposed they held by virtue of a valid patent from the Government of the United States in many cases, and in other cases by an equally valid certificate of homestead or pre-emption. That decision declared these lands to be the property of a corporation, holding under grant made by Congress. Now it is said, and I suppose it will not be questioned, that the Government owes to these people indemnity; that it is neither fair nor just nor equitable, the Government of the United States having allowed these people to go upon these lands, having issued patents and other evidences of title to them, having given them assurance that their titles were perfect, after having remained on these lands for this long series of years—I say it will be conceded that it is neither fair nor just nor equitable that the Government of the United States shall permit them to be ejected and driven from their homes without anything in the way of indemnity.

My friend from Vermont, [Mr. WILLARD,] I have no doubt, has given this case a careful consideration. It is not questioned by him that it is the duty of the Government to respond to these people in damages. The only question he raises is one as to the measure of damages, how much shall be paid by the Government of the United States to indemnify these settlers. It seems to me, Mr. Chairman, the amount to be paid ought to be whatever is fair and reasonable as the actual damages these people have sustained. It will not do to say, sir, because they gave \$1.25 per acre when they entered upon these lands, they should be turned out now on the repayment of \$1.25 per acre even if you add 6 per cent. interest. That is no indemnity at all. We are bound to consider the fact that these people are living there in their homes and are by the fault of the United States about to be ejected. The courts of the country have issued writs of ejectment, and those writs on the 1st of August next will be executed by turning all these three hundred families out of doors unless this matter is adjusted by some such legislation as this in the meantime. The Government of the United States can afford to establish a precedent by doing what is right and just and equitable in a case like this, and that is to pay these people a fair valuation for their lands at this time.

The commissioners appraised these lands at their value, exclusive of improvements, for agricultural purposes only. Any gentleman who will examine the report will see these lands are actually and intrinsically worth a great deal more than the commissioners have allowed. Some are situated near large and flourishing towns and cities, and the valuation placed on them is only what they are worth for agricultural purposes; that is about ten dollars an acre. I apprehend every acre of these lands is worth at least that sum for that purpose. As a matter of justice and equity I say the fair amount to be paid to these people is what is necessary to indemnify them, to pay them for the loss and damage sustained by reason of the failure of the Government of the United States.

Mr. McKEE. Is the gentleman willing that there shall be meted out to the Indians who have been ejected from their lands the same measure of justice?

Mr. McCrARY. "Sufficient unto the day is the evil thereof." When the Indian question is up then will be the time to discuss it.

Mr. McKEE. What is the difference between this case and the Choctaw case which was before the House yesterday?

Mr. McCrARY. I do not consider that there is any parallel between the two cases. But however that may be, we are discussing this bill and not the Choctaw bill.

I say that this is a matter of equity. Congress has already taken pains to ascertain what is the reasonable amount to be paid. And beyond that my colleague has shown that the precedents are all in favor of the payment of the reasonable fair value at the time of the ejectment of the settlers in cases of this kind; and there have been a number of such cases. I hope the bill will pass as reported.

Mr. ELDREDGE. I would like to inquire of the gentleman from Iowa [Mr. McCrARY] whether any of these parties have been ejected from their homes?

Mr. McCrARY. Several of them have been ejected. One, I believe, has been imprisoned for resisting, as he supposed in his ignorance he had a right to do, the officer who was turning him and his family out of their home.

Mr. ELDREDGE. Have not the mass of the settlers on those lands been able to compromise with the navigation company and remain on their lands?

Mr. McCrARY. Not at all. All efforts at compromise have failed. Mr. ELDREDGE. Is it expected that all those parties will have to leave their lands?

Mr. McCrARY. They will have to leave their lands on the 1st of August. The writs are all issued, and they are notified to leave at that time.

The committee rose informally to receive a

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its disagreement to the amendments of the House to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. SHERMAN conferees on the part of the Senate.

The message further announced that the Senate had passed the bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases, with amendments in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1691) for the relief of Thomas Ridgway;

A bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan;

A bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings;

A bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;"

A bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed; and

A bill (H. R. No. 3572) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property.

#### DES MOINES RIVER LAND GRANT.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. ORR. I yield now to my colleague on the committee, the gentleman from Texas, [Mr. HERNDON.]

Mr. HERNDON. This is a very complicated case, and it is impossible to do more in the brief time I have than to make a simple statement of its condition. I was one of the sub-committee that made an investigation of the point at issue now presented in the bill. And I will say to the committee that I struggled very hard and more than once to fix the onus upon the State of Iowa to indemnify these settlers. But after a full and complete investigation of the whole subject in connection with the entire history of this case, which is very lengthy, I reached the conclusion that the State of Iowa is not bound to indemnify these settlers, nor can she be held responsible, but the onus is on the national Government to afford either the relief which they ask or some other relief which will be adequate to their losses.

This grant was made to the Des Moines Navigation Company on the 8th August, 1846, to aid in internal improvements; that is, it was made to the State of Iowa for this company. There never was any question in regard to the grant from the mouth of the river to the Raccoon Fork. But there has always been a conflict since 1848 in regard to the grant above Raccoon Fork and the Des Moines River. The State of Iowa always maintained that the grant extended to the source of the river, while the United States through its agents, through its officers in the Treasury Department which then had charge of the public lands, and through the Attorneys-General, from time to time decided both ways. There has been the greatest possible conflict of opinion on the part of these heads of Departments in regard to this grant. One Secretary of the Treasury would hold that it extended only to Raccoon Fork, and would then open the land to market within this grant above the Fork; and at these periods while it was thus opened for public entry the settlers would make entry upon the lands. The next Secretary that would come in perhaps would hold the very reverse, and withdraw these lands from public entry. This same question was referred by two or three Secretaries of the Treasury to the Attorneys-General; and Attorney-General Crittenden, Attorney-General Cushing, and Attorney-General Johnson, all decided this question and held various opinions. Now amid all this conflict of opinion on the part of the General Government this land was disposed of to these actual *bona fide* settlers. They entered upon it when it was in open market, when it was not withdrawn. The Government agent received their money for it and placed them in possession of it; and they have gone forward improving the lands and enhancing their value from that day to this.

It will be observed, then, that these parties went upon these lands



in the most perfect good faith. It was not their fault that they came to be ousted from their lands afterward; it was the fault of the Government. The Government was responsible for the acts of its agents in this regard, for it actually received the money of the settlers.

In 1856 a grant was made by Congress to aid three railroad companies that passed across this grant, and then, for the first time, the question was raised and brought to the Supreme Court of the United States to determine to whom this grant above Raccoon Fork did belong. And in 1859 the Supreme Court held that the grant never extended above the Raccoon Fork, and that the land was open for settlement accordingly, as it had been placed in the market from 1848. During this period the State of Iowa and the General Government had made disposition of certain parts of this land, and in 1861 application was made to Congress, and a joint resolution was passed in order to quiet the titles to these lands about which the difficulty had arisen; and the whole debate upon the passage of that resolution will show that it was the clear intention of Congress then to award the title to these lands to the *bona fide* purchasers. The grant, be it remembered, was made to the State.

But prior to that time the State of Iowa had made a deed to the Des Moines Navigation Company of all their interest and title to this land, and under a statute which exists in Iowa the *bona fide* purchaser was considered by the courts to mean the Des Moines Navigation Company instead of the actual *bona fide* settlers on those lands, and therefore whatever title was conferred by that resolution went first to the State of Iowa, and then, by virtue of the deed which she had previously made, went to the Des Moines Navigation Company.

The act of 1862 was a piece of legislation of the same sort, with some additional extension, but it totally failed for like reasons. In 1871 another act was passed by this Congress, and notwithstanding that all these decisions were before the country, notwithstanding the previous legislation upon the subject, yet Congress, with all this fully understood, or supposed to be understood at the time, actually confirmed this grant to this company completely and fully, and made no provision whatever for the protection of these settlers. Thus what legislation had failed to do before, and what the conflicting opinions of the various departments of the Government had left an open question, was settled by virtue of that act, and the Supreme Court in 1872 so held, and by virtue of the previous deed made by the State of Iowa to the Des Moines Navigation Company, and by virtue of this legislation, whose aim seemed to be to quiet the title to the citizens who had gone upon the lands in good faith, but owing to its looseness and uncertainty failed to accomplish that end, the Government of the United States actually took away the rights of these citizens and conferred them upon the State of Iowa for the benefit of this navigation company.

The State of Iowa, mark you, was not responsible for this; she was not a party to it; she did not ask for it, but the United States by its own act confirmed all these lands to this company with all these facts before them. They thus shifted the onus from the State of Iowa and took the onus upon the General Government itself, and the responsibility of leaving these citizens without protection.

Now, Mr. Chairman, after all this legislation and these opinions what is the condition of these people? They have paid their money to the Government and went into possession of these lands; in some instances they have received their patents for the lands and the Supreme Court after reviewing all this legislation has passed upon their titles and decided that they have no titles whatever, and they are about now to be ejected under the decisions that have been made and to be turned out without a single dollar either for their lands or their improvements. They are not entitled under the decision of the commissioners to any pay for their improvements and cannot recover it. These people were placed in this condition by the Government, and unless the Government now comes to their relief they will be turned out unprotected and left to the mercy of the companies that now own the land. In this condition of things Congress appointed a commission to go upon the ground and to examine all of these lands, and to ascertain and report to Congress the value of the lands without the improvements. I have here the report of the commission. It shows that the total number of acres occupied by these persons is 39,549, and the average value which they have fixed upon the land outside of the improvements is \$10.22 per acre, which amounts in all to \$404,228.49. But you will observe that there is a marked difference between the average value fixed upon these lands by the commission and the amount which the citizens themselves claim the land to be worth. Some of these lands are estimated by the citizens to be worth as high as sixty-four dollars an acre, and the total value fixed upon these lands by the citizens themselves is \$563,416.93; or an average of \$14.25 per acre; making a difference against the citizens of \$159,238.44. Thus if this report be adopted the citizens will lose \$159,000 upon the land for which they have paid.

Now is it just or right to refuse them compensation for this loss? It has been asked upon this floor what will be done with the money; whether it will be paid directly to the citizens or will the Des Moines Navigation Company or any of these railroad companies get it. That certainly has nothing to do with the decision of the case, but I would say for the benefit of the committee that I understand it to be a fact that a majority, and in fact all but two of these citizens have already made an arrangement with the companies who own the lands, that if this amount is granted to them as compensation for their losses the

companies will accept it, although it is less than the value of the lands by \$159,000, and quiet the titles to them.

Thus the settlers, if this amount is granted to them, would be enabled to quiet their titles and still remain upon their lands which are worth, as shown by this report of the commissioners, \$159,000 more than the value assessed by the commissioners. The railroad company and the Des Moines Navigation Company will lose by this arrangement \$159,000 and the settlers will gain that amount. It would be very unjust to pay these settlers only the amount of money which they originally paid to the Government for these lands, because when they went into that country in 1848 it was a wild country, without inhabitants, and they have lived there almost a generation improving and enhancing the value of this land. It would be no compensation now to give them \$1.25 an acre for this land.

Mr. PARKER, of New Hampshire. I would like to ask the gentleman a question.

Mr. HERNDON. Certainly.

Mr. PARKER, of New Hampshire. I would ask the gentleman if the committee have investigated this matter and found as a matter of law that this company, which I understand has the superior and better title, can oust these settlers now living there under color of title without paying them damages? If so, then I would like to know where the law came from.

Mr. HERNDON. In answer to that I would refer the gentleman to the decisions of the Supreme Court in the Litchfield case, and the case of the Iowa Homestead Company against the Des Moines Navigation Company. My understanding is that the court decided that the settlers had no title whatever; that they did not have even the color of title. While the question was not made as to whether they would be entitled to pay for their improvements, yet under that decision I would ask the House how they could get any compensation for their improvements.

Mr. ELDREDGE. Does not the Iowa law provide that in cases of recovery all the valuable improvements shall be assessed, and the parties wrongfully in possession shall be entitled to the value of those improvements?

Mr. COTTON. That applies only to the Iowa State courts; and the Des Moines River Company always bring their suits in the Federal courts.

Mr. ELDREDGE. If I am not mistaken very much we have already passed a law of Congress providing that the same law shall apply to all these cases. We have provided the same thing which the Iowa statute provides, and under the law as it now stands I think these settlers must recover whatever improvements they have made.

Mr. HERNDON. I think I can answer the gentleman in two ways. I am not acquainted with the statute of Iowa in regard to giving compensation for improvements. I apprehend, however, that that applies only to lands owned by the State of Iowa. Under the inuring statutes of Iowa, and the joint resolutions of Congress in 1861 and 1862, it was decided by the Supreme Court that this grant was placed in exactly the same condition as if it had been made absolute in 1848. And if that grant in 1848 had been absolute, giving this entire quantity of land to the State of Iowa for the Des Moines Company, then any settler upon it could take no right whatever, and therefore would have no right to compensation for his improvements.

Mr. ELDREDGE. I think if the gentleman will reflect a moment he will see that these settlers were in possession prior to the act to which he refers, and that the question is of prior entry in possession. No act of the Legislature can destroy or take away from them the right of claim under a prior entry made in good faith. If I am not very much mistaken it was urged in this House that the law of Congress applying the law of Iowa to cases of recovery and ejectment should be passed because there was a large quantity of land in the State of Iowa in this situation. I supposed it related to this very Des Moines land, that it was for the purpose of providing that where recovery was had by this company against these individual settlers they should have assessed in their favor the value of the improvements and betterments they had made. It seems to me there is no doubt about the power of the State to pass a law that in case of recovery and ejectment a party shall have assessed the value of the improvements he has made, whether they are on United States lands or not. Now that we have made the law of Congress the same as the law of Iowa, there can be no doubt that these parties are entitled to the value of their betterments.

Mr. HERNDON. The original grant was made under the law of 1846; the last grant was made in 1871. The decision of the court is that by virtue of this statute of Iowa the grantee of the State was placed in exactly the same condition as if the grant had originally been made to extend above Raccoon Fork. These settlers have all settled upon this land since the original grant was made. Under the act by virtue of which the grant above Raccoon Fork inured to the State of Iowa no provision was made for these settlers. It was perfectly within the power of Congress when extending this grant to make provision for the settlers; but they failed to do it. And by reason of that failure the settlers are entirely without any remedy.

I will say that after a full and thorough examination of the whole subject I believe it is the solemn duty of this Government to compensate these settlers for the loss which they have sustained by virtue of these decisions of the court. The General Government must as-

sume the responsibility from beginning to end. They sold the land to them, they put the parties in possession, and afterward granted the land away from them and left them without any remedy, unless we now give it to them.

Mr. McKEE. How much money did the United States receive for these thirty thousand acres?

Mr. HERNDON. I cannot say how much; but it was about \$1.25 per acre.

Mr. McKEE. About \$40,000. Now for that we are asked to pay \$400,000. Is that the legal measure of damages?

Mr. HERNDON. In reply to the gentleman I cannot say that this is the exact measure of legal damages according to the decisions of the courts; but the gentleman will observe that the Government has placed these citizens in this condition, and that it is the policy of the Government not to despoil or ruin its citizens by its own act.

Mr. McKEE. Suppose you had done the same, what would be the measure of damages?

Mr. HERNDON. If I had conveyed land, giving a warrantee of title, and the title had failed, I would have been held liable for the purchase-money with interest.

Mr. SPEER. As I understand, the legal measure of damages in such a case is the return of the purchase-money with interest; but this case is put upon the ground of equity. It is claimed that the Government of the United States is equitably bound to pay to these settlers the present value of the lands. Now, if that position is true as a matter of equity, should not the settler according to the principles of equity be charged with the profits realized by him during all this time from the occupancy of the land?

Mr. HERNDON. As an offset to that, the amount proposed to be awarded here does not include any improvements whatever upon the lands. These citizens have made very extensive improvements and have greatly enhanced the value of the lands. But this compensation is only for the actual value of the land itself, exclusive of any improvements whatever.

I yield for a few moments to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I do not intend to detain the committee more than a very few minutes. I will state at the beginning that the Racoon Fork is in my district and at my home. A few and a very few of the claimants reside in my district. I have for sixteen years been more or less acquainted with the most embarrassing and intricate State and national legislation touching these lands. I have known the combinations that these settlers have been obliged to make in order to defend themselves against the most persevering and constant attacks upon their claims, which they believed to be just; and if you were to appropriate to-day merely the amount of money that these men have earned by the sweat of their brows and paid to resist the assaults made upon their claims during these ten or fifteen years, it would go far toward relieving their distresses.

I wish it to be understood, Mr. Chairman, that we do not ask one dollar under this bill unless it is just that it should be paid; and I desire to state in a few words the grounds which we believe show the justice of the payment here proposed.

First, the question has been put to me by members, "Is there anybody speculating back of this bill?" I wish to answer publicly, as I have answered privately, that I neither know nor have ever heard of a solitary man in Iowa or out of it who has a dollar's interest in this bill, except the men residing on these farms. So much for the question of there being a "job" in this bill.

Secondly, let me say the bill itself provides that the arrangements, the payments, the receipts are to be between the Government on the one hand and the settlers on the other; there is to be no intervening party.

It is asked, "Are we not establishing a wrong precedent by this bill? Are we not indemnifying these settlers more than it is just to indemnify them?" First, as to the question of precedent. In Mississippi the Government bought up at a cost of \$5,000,000 all the adverse titles in order to perfect the title to the honest settler. In Ohio certain lands were reserved between two rivers, one of which was longer than the other. In surveying the reserve the line was run straight from the head of the shorter river into the current of the longer. The courts afterward decided that the line should have been run from the sources of the two rivers. Thus there was a triangle which the Government of the United States prior to that decision thought it had the right to sell and did sell to settlers. When, upon the rendering of that decision, it was found that the settlers had no right to those lands, the Government appointed a commission, just as it has been done in this case, to ascertain the value of the lands; and it perfected the title to the settlers who had bought from the United States under a mistake on the part of the Government. Those two cases are sufficient to show that this case is not outside of the precedents.

Now, ought we to make this indemnity upon the basis of the appraised value of the land? I answer that we cannot properly apply the common-law rule between a warrantor in a deed and the warrantee. In reference to a case of that kind the common-law rule has been fixed. But the Government of the United States never professes to sell its lands for what they are worth. It gives them to promote settlement; it sells them at a low price to induce cultivation; and when the lands have been cultivated and improved, the parties

who have suffered the trials and hardships and miseries of a frontier life have paid infinitely more for their land than the original price of \$1.25 per acre. You have sought to encourage settlement on every acre of the public lands; and settling upon lands under that policy these men in early times have had to go twenty miles to a mill; they have been far away from schools, and churches, and physicians; they have in early times seen their children die for want of medical attention. But you now propose to make to them the mere reimbursement that a warrantor under a deed would make to the warrantee; you propose to pay them only \$1.25 an acre with perhaps 6 per cent. interest.

I say this rule is positively inequitable and unjust. You do not hold your lands nor bestow them in that way. You did right in the Ohio case and you did right in the Mississippi case, because you recognized these early settlers had wrought a good work for the nation; had done more than pay the price per acre; that they were entitled to occupy their homes, and it was the duty of the United States to let them have them.

Hence I say, Mr. Chairman, that it is just, that it is equitable to pay them the actual value; not what it would cost them to buy from the other parties, but what the appraised value is. What will be the result? I beg gentlemen to observe for a moment that if the corporation to whom the courts have awarded the title say they will take the appraised value, the title may be perfected in that way. If they refuse to say that, then you allow the parties themselves to have the benefit of it as far as it goes; and if they can raise the sums from the earnings of their farms to get the title they will do it.

You will find, sir, that this has been carefully guarded. Every man's claim is before the House. Every forty, every eighty, every one hundred and sixty acre claim is before you. The manner of entry and purchase is put down, the date of it is put down, the appraised value is put down, and what the holders of the opposing titles claim should be paid is put down. There is no chance for suspicion, but in every case with one or two exceptions, as I hastily look over it, I find the appraised value is considerably less than what the other party claim.

Your object is not to indemnify them in money, but to enable them to occupy their homes. I beg gentlemen who ever were upon the frontier to remember what home means to those early settlers, who, without money, had nothing but their muscle to get their homes. It means more than your greenbacks and more than your gold. It means the only place they have on God's footstool to live. If you take that away from them they cannot buy as good a home in that region. The land is too high. If they go West, they will have to travel night and day and month after month before they can get a home that is one-half the value this is to them, even for the same money.

I believe in homesteads. I have fought for them before in Congress. I will fight for them while I have breath. I wish to ask every man in this House who appreciates the homestead law to look well at this question of indemnity and the central fact which is to preserve to these men their homes and not to pay money to them to buy another. But I do not wish to debate the question further.

Mr. LAWRENCE. The gentleman has presented a good reason why in my judgment the common-law rule of damages should not apply here. It has been said, as I understand, on the floor that these parties are asking the Government of the United States not merely for the value of the land exclusive of improvements, but the value of the land including the improvements.

Mr. KASSON. Let me answer, so every one may understand it. Under the act of March 3, 1873, creating a commission to ascertain the value of the lands provided, (I quote the words,) it was to ascertain the number of acres and by appraisal or otherwise the value thereof, excluding improvements. In the second place, let me answer still further by turning to the report of that commission. I find they make the declaration: "In making our appraisements we have only had reference to the value of such lands for purely agricultural purposes."

Mr. LAWRENCE. It should be said these occupants are entitled to pay for improvements by this improvement company before they can be turned out under the occupying claimant law. Hence it is proper an appraisal should be made of the value of the land, exclusive of the improvements.

Mr. KASSON. I wish to say the great help given to these settlers in this way is to enable them to make up a purse with which they can pay. They have fought the company and well for years, but everybody knows this fight for improvements is an embarrassing one, and by this bill these settlers can make terms with this company.

Mr. HOLMAN. Mr. Secretary Browning, in his communication of the 9th of May, 1868, which is incorporated in the report of the Committee on the Public Lands, made this statement. According to the adjustments made between the General Land Office and the State of Iowa these lands granted to the State were transferred afterward to the Des Moines Navigation Company. Secretary Browning says this:

This adjustment was accepted by Josiah A. Harvey, "register of the State land office and commissioner on behalf of the State of Iowa," and approved by Mr. Secretary Harlan May 29, 1866. The 1,317.32 acres were subsequently selected and approved to the State. The State, by the deliberate and recorded admission of her authorized agents, has thus received all the lands to which she was entitled on account of the improvement of said river. The adjustment is conclusive and final. As the State received indemnity for this identical tract, her claim on behalf of the Des Moines Company must be rejected without regard to adverse claims.



Now the question I desire to ask the gentleman from Iowa is this: If this statement is true that the State of Iowa in 1866 entered into this arrangement by which she received nearly two and a half million acres of land, and received those lands as an indemnity for these very lands that are the subject of this trouble—if such is the fact, the State receiving the indemnity lands for the lands which have been granted by the Government to these various parties, is it not very clear that while justice ought to be done to these parties and they ought to be fully indemnified for expenditures they have made on account of the purchase of the lands, ought not these expenditures to be incurred by the State of Iowa herself?

That is my first question. My second question is this: Does not all this trouble result from the legislation of 1862 and 1871? And did not all these acts by which this fraud was perpetrated through the agency of the Des Moines Navigation Company result from the action of the State of Iowa herself? Did she not bring the matter into Congress, and were not these acts passed at her instance? And now should the State of Iowa throw upon the General Government the results of those frauds against which she made no protest at the time?

Mr. KASSON. The questions of the gentleman from Indiana are very lengthy. I will endeavor to answer the last one first. This Des Moines Navigation Company was not in existence when the grant was originally made to the State of Iowa, which was then a Territory. It was a New York company, and we have been fighting that company from a period two or three years after the commencement of its operations down to the present time. I have myself drawn up two or three acts in successive General Assemblies of the State in endeavoring to get a settlement between the company and the State. It was a New York company organized for speculative purposes, and at its head was a leading democratic gentleman whose name would be familiar to the gentleman from Indiana were I to mention it. There is not an Iowa man in it.

Mr. ORR. I yield to the gentleman from Indiana, [Mr. SHANKS.]

Mr. HOLMAN. I would like to know how it came about that when this grant was made to Iowa she made over the land to these land-sharks.

Mr. KASSON. I suppose it was all part of the same scheme; only they were not Iowa land-sharks, but foreign land-sharks.

The CHAIRMAN. The gentleman from Indiana [Mr. SHANKS] is entitled to the floor.

Mr. SHANKS. I believe that a measure for the protection of these people enumerated in this bill ought to be passed. It is the brightest page in the history of any nation on which it can be written with truth that equal and exact justice has been done to all its people. Now, here is a case in which the Government has by its acts and also through the decisions of its Supreme Court induced a portion of its people to settle on these lands. And then by a subsequent decision of the same Supreme Court they have been driven off these lands and lost their homes. These citizens of the United States now come to the United States Government, which by its policy has wronged them, which at least by its act has brought them into danger of losing their labor and their property, and they ask the Government to give them redress in that in which its act has wronged them. For that I think that every American citizen and every Representative on this floor ought to stand and with one accord do justice to the people to whom our action has done injustice; so that either their money or their lands shall be given to these people.

I now wish to draw a comparison. I find on this floor to-day all the Representatives from the State of Iowa ably and efficiently doing their whole duty in the protection of these people who have in their State been wronged. I honor them for standing by their people and demanding that justice which has not been done to them. But I desire, as I said, to make a comparison. I will here remind the House that on yesterday, when the Choctaw claim was before the House, gentlemen who are full of anxiety for those whom they represent, and who have been wronged, did not remember that there was a time some years ago when the national Government took from a people (the Choctaws) who have no representatives on this floor or elsewhere in this Government over fourteen million acres of land, for which we have not paid them yet. And on yesterday, in the struggle upon this floor, they turned them away again as they had done so often and so heartlessly before, where they must stand uncared for and unprotected for God Almighty knows how long, as God Almighty and the records of this country only know how long such has been the case heretofore. I pity these poor Choctaw people, and I deplore the carelessness and coldness that work their wrongs.

Now, sir, I am in favor of the Government doing justice to every man, woman, and child in this country. And I hope, sir, that this may be a lesson to the delegation that advocates the claims of these white people of Iowa, when they find that other men, friends of a poor down-trodden red people, stand with them for these wronged white people; that while caring for those who are living, active American citizens, they will also stand by those who have no friends on this floor except in so far as they can make a draught upon a common humanity unknown to the law, only so far as they can appeal to that which comes from God into the hearts of men, not directed by statutes and only governed by just feeling. May the spirit of justice enter fully into the hearts of the whole people toward the Indian, so that in the administration of justice it may be equally open to all irrespective of condition.

I hope, sir, that this may be a lesson, and that those who to-day ask the favor of the Government and the protection for their people will not forget those who have none to speak for them on this floor. I am in favor of this measure because it is a matter of justice, and I am also in favor of a measure that will do justice to those Choctaws and other Indians who cannot demand it here as can and do these citizens of Iowa, by the many mouths that speak for their whole State on this floor as these gentlemen have spoken to-day.

Mr. ORR. I presume this matter has now been sufficiently discussed, and I move that the committee rise and report the bill favorably to the House.

Mr. HOLMAN. Before that motion is put, I desire to submit the following proposition:

*Resolved*, That the pending bill be reported to the House with the recommendation that the same be recommitted to the Committee on the Public Lands, with instructions to report a bill to repeal all laws and parts of laws granting the lands in question to the Des Moines Navigation Company, or affirming any grant thereof to said company, and confirming the titles in said lands to the persons to whom the same have been sold by the United States.

I desire to say a word in support of that proposition.

Mr. KASSON. Let me say to the gentleman that it would utterly destroy the chances of the settlers for relief.

Mr. HOLMAN. I shall be met with the statement that we are bound to carry this grant into effect and that the settlers have got to be deprived of these lands, and that the Government of the United States or the State of Iowa must pay a large sum of money for the benefit of the settlers growing out of this transaction. But, sir, I hold in the first place that there is no contract impaired and no act done, by the repeal of this legislation subsequent to 1846, that is not entirely within the control and power of Congress. It is admitted that in the absence of the acts of 1856, 1861, 1862, and 1871, that independent of those various acts and joint resolutions, the title which the Government granted to these settlers would be a perfect and complete title, and that whatever right the Des Moines Navigation Company derives from the State of Iowa to those lands is the result of the fraudulent legislation subsequent to 1846. For one I am not willing by any vote of mine to deprive these settlers of any of their rights. On the contrary, I would make their title to these lands perfect, if it was in my power, and my proposition looks to that result. I know that under the land-grant policy there has been nothing but fraud and injustice from the beginning to the settlers, and that this has been the case to a great extent in the State of Iowa. An act was passed at the last session of Congress, under the pretense of quieting certain titles, which enabled the Chicago, Rock Island and Pacific Railroad Company to commit great injustice upon the settlers, and an appeal is made to Congress to indemnify the unhappy settlers against the frauds of the railroad corporations sanctioned by the action of Congress. I do not know that it is fair to charge the State of Iowa with being responsible for the legislation of 1856, 1861, 1862, and 1871, by which these fraudulent land speculators in the State of New York seized upon these lands without consideration and appropriated them to their own use. I do not know that the State can be held responsible for it; but I do hold to this proposition, and I call the attention of the gentlemen from Iowa to it, that if Secretary Browning was correct, and this settlement was made in 1866 between the Federal Government and the State of Iowa by which the State received 1,346,000 acres of land or thereabouts as an indemnity in lieu of these very lands now the subject of this trouble, then the State should not in addition to that call upon us, after having received those lands, having received patents for them and appropriated them for her own use, and insist while she retains those lands that we shall indemnify the unfortunate settlers for the corrupt legislation which has been enacted since 1846.

Mr. MCCRARY. I would inform my friend from Indiana of a fact he does not seem to be aware of. The State of Iowa does not retain an acre of those lands. The Supreme Court decided that the indemnity lands passed like the others into the hands of the Des Moines Navigation Company.

Mr. HOLMAN. But by the act of the State of Iowa.

Mr. KASSON. A previous act.

Mr. MCCRARY. No; by an act of Congress, not by the State of Iowa.

Mr. HOLMAN. The grant, however, was made to the State of Iowa. Congress did not grant an acre of land to any corporation.

Mr. ORR. I would ask the gentleman from Indiana if the legislation of Congress of 1871 did not grant this indemnity land directly to the company, without any reference to the State of Iowa?

Mr. HOLMAN. Unfortunately, I am compelled to answer that question in the affirmative. But how did that act pass; was there a single voice from Iowa raised against it here? Did either the State of Iowa or any of the citizens of Iowa object to it? Sir, when a measure like that, which was purely local, came up here, if any member on the floor had interfered with the manner in which Iowa should dispose of the indemnity lands it would have been said that it was an impertinent interference with the local affairs of that State.

Mr. MCCRARY. The act did not say that they were in lieu of these very lands.

Mr. HOLMAN. I say that if Secretary Browning was correct these lands were granted as compensation and indemnity for the lands in question in this bill.

Mr. ORR. Allow me to suggest to the gentleman from Indiana that

that has very little to do with the question of indemnifying these settlers.

Mr. HOLMAN. I desire to confine myself to the propositions I have submitted. I desire to see these settlers vindicated. I know that the remedy proposed by the pending bill is very partial. I feel assured that the remedy I propose, to enact a law repealing the acts passed since 1846 and affirming this act, will relieve the very trouble which the decisions of the Supreme Court present. They decided upon the authority of the legislation of 1856, 1851, and 1862. The Supreme Court was compelled to decide under those acts, which they believed to be the law, and under those decisions certain rights were secured to the Des Moines Navigation Company through the State of Iowa. With those laws repealed—and who will question the power of Congress to repeal them?—and with all this fraud unraveled, I assert that the rights of those settlers will be secured.

Now, I cannot be met by the statement that such legislation would be a violation of contracts. It is the performance of the highest obligation resting upon this Congress. We have been informed of the usual outcropping of these grants. They have been tainted with fraud in every step from beginning to end; and the moral obligation resting upon Congress is to repeal these laws and confirm the title to these lands to these settlers. And when the question shall reach the Supreme Court, as it is very proper it should, it will not be as to the power of Congress to pass such an act as I have indicated, for the power of Congress over the subject-matter is clear and manifest. I know that if the original legislation was right there would be a moral obligation upon Congress to allow it to stand, and let the ultimate results be reached, whoever might reap any benefit from that legislation. But when legislation is tainted with fraud from beginning to end, its repeal is demanded by the moral obligation resting upon Congress.

Mr. HERNDON. Have the courts of the country any authority or power to inquire into the fraud which the gentleman states was committed by the legislation of Congress referred to?

Mr. HOLMAN. No; I think not; I think that is a question for Congress alone. I know that neither the Supreme Court nor any other judicial tribunal could inquire whether the acts of 1861 and 1862 were properly passed or not. Nor is it a judicial question for the Federal courts to decide whether Congress possessed the power to legislate on this subject or not, for that power is conceded. But I cannot be met with the statement that this would be an impairing of contracts, for happily no such restraint rests upon the Federal Legislature to prevent its undoing monstrous wrongs.

Mr. HERNDON. If patents have been issued for these lands under the act of 1871, could we now, by repealing that act, take away or cancel those patents?

Mr. HOLMAN. I think we could, unquestionably; there is no limitation upon the power of Congress over the subject. If my friend could quote any provision of the Constitution which could possibly be construed to prevent any such exercise of power by Congress, I would like to hear it. I remember but one instance in which, not the Supreme Court, but a judge of the Supreme Court, has indulged in any question as to the constitutional power of Congress over such a subject. That was in regard to the legal-tender decision, when the Chief Justice of the Supreme Court intimated that there were moral considerations by which the Federal Legislature should be influenced by the provisions of the Constitution relating to the Legislatures of the States. But I know of no rule by which Congress, upon finding that fraud had been perpetrated under its laws, could not repeal those laws. I make this appeal to repeal this law, not simply in behalf of these unfortunate settlers, but also in behalf of the whole people of this country, and to vindicate our legislation against the taint of dishonest and fraudulent proceedings.

Mr. ORR. I hope the gentleman from Indiana [Mr. HOLMAN] will not insist upon his amendment. He has said many things with which I agree; I agree with nearly all he has said. I have nothing to say in extenuation or palliation of the different acts of Congress which have brought these settlers into this difficulty. But the House will see that his amendment proposes to set aside a decision of the Supreme Court by congressional legislation, and I suppose the House will agree with me that that cannot be done.

Mr. HOLMAN. Not to repeal a decision of the court, but to repeal the law under which those decisions were made.

Mr. POTTER. I want to say a single word, not so much with reference to the bill under discussion as with reference to the amendment and remarks of the gentleman from Indiana, [Mr. HOLMAN.] It is undoubtedly true that fraud vitiates all contracts and invalidates all rights acquired through it. And whenever any legislation has been secured by fraud I will be found quite ready to join in passing efficient laws for the determination before some proper tribunal of the fact and the annulling of any rights claimed to arise by virtue of such fraudulent legislation.

But I beg for myself to say that nothing in the world seems to me to be so dangerous as for Congress to declare now or at any time that it is not absolutely bound to regard vested rights, or that it can proceed of its own volition or discretion to say that notwithstanding those rights have vested under its own legislation it will repeal that legislation. I do not myself believe that the provision in the Constitution of the United States which declares that no law shall be passed by any State impairing the obligations of contracts, was intended to

express a principle applicable to States only. I believe the same principles apply to the action of the General Government also, and that the limitation was imposed upon the States only because they were claimed to possess all sovereign powers not yielded to the Federal Government; and that it was not imposed in terms on the Federal Government, because being a government of delegated powers and no such general power having been granted to it, except in respect of the passage of general bankrupt laws, no such restraint was necessary to protect the citizen. Why, as Hamilton said, was it necessary to express in the Constitution any limitation upon powers which had not been granted?

In the first legal-tender decision the Supreme Court of the United States declared distinctly in terms that Congress had no other power to impair the obligation of contracts. In the second decision upon that subject, the court has declared the reverse, but they limited that declaration to the subject-matter of Treasury notes under consideration. No Federal judge or court has declared, though I know the contrary is sometimes erroneously said of Judge Washington, that Congress was generally at liberty to disregard or override the obligation of contracts.

For myself, I believe in the doctrine as to the general limits of legislative powers in this country which the Supreme Court of the United States announced forty years ago in the Rhode Island case of *Wilkinson vs. Leland*, that vested rights were (except in the matter of bankruptcies) beyond the reach of any legislation; that it was against the fundamental principles of republican government where rights had become vested, to recall them by changes in legislation.

Mr. PARKER, of New Hampshire. You refer to the Dartmouth College case?

Mr. POTTER. No, sir; not now to the Dartmouth College case, but to the Rhode Island case, the case of *Wilkinson*, where it was claimed that because the royal charter of Rhode Island had never been followed by any constitution and there was therefore no express limitation upon the Legislature of that State, it was at liberty to take away vested rights as it pleased, except where prohibited by the Constitution of the United States.

Mr. G. F. HOAR. The gentleman will allow me to call his attention to the sixth article of the amendments of the Constitution, which provides that "No person shall be deprived of life, liberty, or property without due process of law." That is a restraint upon the power of Congress.

Mr. POTTER. I so regard it, and I have indeed so argued in the legal-tender cases, and further claimed there, as I was endeavoring to say, that it was, as the Supreme Court had held in the case of *Wilkinson*, against the spirit of republican government that any Legislature should possess power to take away the vested rights of its citizens at pleasure. But in addition to that I also maintained that there was in the article of amendments to which the gentleman from Massachusetts [Mr. G. F. HOAR] has just called attention an express restriction, intended for no other purpose, (else why should it be there?) than to protect the vested rights of the citizen against the powers of Congress in respect of life, liberty, and private property; very broad terms, which may and should include, it seems to me, every right of the citizen.

For myself I say again that when Congress has been entrapped into legislation by fraud, there should be given to some proper tribunal the determination of the rights claimed under such legislation. But for the Congress to assume to take back legislation under which rights have vested because such legislation may have been in its belief unwise or fraudulent, is to my mind the assertion of a power in the last degree dangerous to the rights of individuals and which would lead to the most dangerous misgovernment and abuse.

"Liberty," said Mr. Webster with great force once, "consists in the limitations of government." No government which is absolute, whose powers vest in the discretion of the law-making power, which leaves the law-making power at liberty to do what it may deem best from time to time, can be a free government. And such an absolute government is never so dangerous as when it is a popular government. Government of the people is the best of all governments when, and only when it is limited so as to protect the inalienable rights of persons and when, it is localized so as to be government by the people—self government. I protest on all occasions against any unnecessary centralization of the powers of government, against depriving the people in the localities of the power to decide local affairs. Popular rule to be wise should be home rule. But equally do I protest against the assumption that this Federal Congress is a government of unlimited power, or that it is at liberty to disregard vested rights and destroy the obligation of contracts. The fathers who framed this Government forbade the power to the States, because they sought to preserve the rights of individuals. But the prohibition would have been worse than idle if by the same instrument they had conferred this dangerous power in the larger federal government they were creating. No such grant (except as to bankruptcies) can be found in the Constitution, and it would be foreign to their whole scheme of government to imply it.\*

\*NOTE BY MR. POTTER.—*Wilkinson vs. Leland* involved the validity of an act of the Legislature in the State of Rhode Island. It was claimed on the argument (Mr. Whipple and Mr. Wirt for the plaintiffs in error, Mr. Hubbard and Mr. Webster for the defendants in error) that the State of Rhode Island, having adopted no written constitution, its Legislature was without any limits except those prescribed



Mr. ORR. I move that the committee rise.

Mr. HOLMAN. I desire to say a word.

The CHAIRMAN. The motion that the committee rise is not debatable.

Mr. PARKER, of Missouri. I want to offer an amendment.

The CHAIRMAN. The gentleman from Iowa has moved that the committee rise.

Mr. PARKER, of Missouri. But nobody voted for that motion so far as I heard—at least on this side of the House.

The CHAIRMAN. The motion had not been put. The Chair is about to put the motion.

Mr. PARKER, of Missouri. I understand that I have a right to propose an amendment.

The CHAIRMAN. Not while the motion that the committee rise is pending.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole had had under consideration the bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States; and had directed him to report that the committee had come to no resolution thereon.

Mr. ORR. I now move to suspend the rules so that the bill just reported from the Committee of the Whole may be taken up and passed.

Mr. PARKER, of Missouri. I rise to a parliamentary inquiry. I want to know whether this is a trick to prevent any amendments to this bill?

Mr. ORR. No; it is not.

Mr. PARKER, of Missouri. I desire, then, to ask the Speaker—

The SPEAKER. It is a trick which only two-thirds of the House can perform.

Mr. PARKER, of Missouri. I rose before the bill was reported from the Committee of the Whole to offer an amendment.

Mr. ORR. The gentleman may offer his amendment. I have no objection to taking a vote upon it. I do not want to cut off the gentleman.

Mr. PARKER, of Missouri. Is it in order for me to offer an amendment at this time?

The SPEAKER. If the gentleman [Mr. ORR] who moves to suspend the rules should include the amendment in his motion the amendment would be in order.

Mr. ORR. I cannot do that.

The SPEAKER. It is not in order to amend the motion to suspend the rules.

Mr. PARKER, of Missouri. Then I hope the House will vote down this proposition, as the gentleman will not allow an amendment to a bill appropriating so large an amount of money.

Mr. G. F. HOAR. I wish to make a parliamentary inquiry. Would it not be in order for the gentleman from Iowa, if he sees fit, to move so to suspend the rules that a vote be taken on the amendment of the gentleman from Missouri and then on the bill?

The SPEAKER. It would.

Mr. G. F. HOAR. That would bring the House to a vote on the amendment?

Mr. ORR. I have no objection to that.

The SPEAKER. The gentleman from Iowa modifies his motion and moves that the rules be so suspended that the amendment of the gentleman from Missouri may be voted on and that then the bill be put on its passage. This will give the gentleman from Missouri the advantage of submitting the adoption of the amendment to a majority vote, while a two-thirds vote will be required for the passage of the bill.

Mr. ORR. Then I would not like to assent to the proposition. I have not heard the gentleman's amendment.

Mr. PARKER, of Missouri. I will read it:

Whereas this claim appears to be just; but there being a doubt in the minds of

by the Constitution of the United States, and that the people of Rhode Island had the power to authorize the Legislature to appoint a man a judge in his own cause or pass laws contrary to natural justice, so long as none of the prohibitions of that Constitution were violated. But Judge Story, in delivering the unanimous opinion of the court, declared that "in a government professing to regard the great rights of personal liberty and of property, and which is required to legislate in subordination to the general laws of England it would not lightly be presumed that the great principles of Magna Charta were to be disregarded, or that the estates of its subjects were liable to be taken away without trial, without notice, and without offense. Even if such authority could be deemed to have been confided by the charter to the General Assembly of Rhode Island as an exercise of transcendental sovereignty before the Revolution, it can scarcely be imagined that that great event could have left the people of that State subjected to its uncontrolled and arbitrary exercise. That government can scarcely be deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred. At least no court of justice in this country would be warranted in assuming that the power to violate and disregard them, a power so repugnant to the common principles of justice and civil liberty, lurked under any general grant of legislative authority or ought to be implied from any general expressions of the will of the people. The people ought not to be presumed to part with rights so vital to their security and well being without very strong and direct expressions of such an intention."

These noble words cannot be too often recalled or too well remembered.

some members whether the whole amount of money proposed to be appropriated will go to the settlers: Therefore,

Be it resolved, That the Secretary of the Interior be requested to report to the House at its next session the actual cash value of these lands, so that an act can then be passed providing for the funding of the amount of such cash value, that it may be held by the Secretary of the Treasury for the benefit of said settlers.

Mr. ORR. A commission has already done that very thing.

The SPEAKER. The gentleman from Iowa declines to admit the amendment. The question is on seconding the motion of the gentleman from Iowa to suspend the rules and pass the bill; on which motion the Chair appoints as tellers the gentleman from Missouri, Mr. PARKER, and the gentleman from Iowa, Mr. ORR.

The House divided; and the tellers reported—ayes 99, noes 47.

So the motion to suspend the rules was seconded.

The question recurred on suspending the rules and passing the bill.

Mr. SPEER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 151, nays 71, not voting 67; as follows:

YEAS—Messrs. Archer, Averill, Banning, Bass, Beck, Begole, Berry, Bradley, Bromberg, Buckner, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cesana, John B. Clark, jr., Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Corwin, Cotton, Crooke, Cronse, Crutchfield, Danford, Darvall, Davis, Dawes, Dobbins, Donnan, Dunnell, Field, Fort, Foster, Frye, Gooch, Hagans, Harmer, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lampert, Lawrence, Leach, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Moore, Morey, Negley, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Perry, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Saylor, John G. Schumaker, Sessions, Shanks, Sheats, Sloan, Smart, George L. Smith, H. Boardman Smith, Snyder, Stanard, Stowell, Strait, Sypher, Charles R. Thomas, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Wells, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, and Woodworth—151.

NAYS—Messrs. Albert, Albright, Arthur, Ashe, Atkins, Barber, Bell, Biery, Blount, Bowen, Bright, Brown, Buffinton, Burchard, Amos Clark, jr., Comingo, Conger, Cook, Cox, Creamer, Crittenden, Crossland, Durham, Eames, Eldredge, Garfield, Giddings, Glover, Gunckel, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Holman, Hoskins, Hunton, Killinger, Lawson, Magee, McJunkin, McLean, Milliken, Monroe, Neal, O'Brien, Parker, Hosea W. Parker, Pendleton, Potter, Read, Scofield, Small, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Stone, Storm, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Whitthorne, Charles W. Willard, Ephraim K. Wilson, and John D. Young—71.

NOT VOTING—Messrs. Adams, Barnum, Barrera, Barry, Bland, Benjamin F. Butler, Cain, Freeman Clarke, Clayton, Crocker, Curtis, DeWitt, Duell, Eden, Elliott, Farwell, Freeman, Gunter, Eugene Hale, Robert S. Hale, Hersey, George F. Hear, Hunter, Lamson, Lansing, Lofland, Luttrell, Marshall, Maynard, McKee, Mills, Mitchell, Morrison, Myers, Nesmith, Niles, Phelps, Phillips, Poland, Purman, Randall, Ransier, William R. Roberts, Ross, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Senor, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, William A. Smith, Standiford, Stephens, St. John, Swann, Taylor, Tremam, Waddell, Marcus L. Ward, Whitehead, Whitehouse, Willie, Wood, and Pierce M. B. Young—47.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

During the roll-call,

Mr. SAYLER, of Indiana, stated that his colleague, Mr. HUNTER, was absent from the city on the business of the House.

The vote was then announced as above recorded.

#### DISTRICT OF COLUMBIA.

Mr. WILSON, of Indiana. I am directed by the select committee appointed to investigate the affairs of the District of Columbia to report a bill (H. R. No. 3681) for the government of the District of Columbia, and for other purposes, and to move that it be printed and recommitted.

The motion was agreed to.

Mr. WILSON, of Indiana. I also submit from the same committee a report which I move be laid upon the table and ordered to be printed.

The motion was agreed to.

Mr. WILSON, of Indiana. I now give notice that I will call up for consideration the bill which I have just reported at two o'clock to-morrow.

Mr. SPEER. I hope the report of the select committee of their investigation into the affairs of the District of Columbia will be printed in the RECORD.

The SPEAKER. It will take up a whole RECORD.

Mr. SPEER. I withdraw my motion.

#### LANDS SOLD FOR DIRECT TAXES.

Mr. BECK. I move to suspend the rules for the purpose of taking up and passing at this time a bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes.

The bill was read.

The first section provides that the Secretary of the Treasury be, and he is thereby, empowered and directed, out of any money not otherwise appropriated by law, to pay to whomsoever shall be satisfactorily shown to him to be the owner or owners, his or their heirs or assigns or legal representatives, of any land sold for direct taxes under the provisions of the act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States,

and for other purposes," approved June 7, 1862, and of the acts amendatory thereof, without interest, the amount of the proceeds of sale of any such land for direct taxes due to the United States under such act, except lands sold in South Carolina, at Army and Navy sales, on which only partial payments have been made, less all taxes, costs, and legal charges accrued by reason of the sale thereof by the tax-commissioners of the United States under the said acts; provided that such owner or owners, their heirs or assigns or legal representatives, as the case may be, shall, before such payment, duly execute and deliver a full and complete quit-claim conveyance of said property, and release of all mesne rents and profits thereof to the purchaser or purchasers thereof at said tax sale, their heirs, assigns, or legal representatives, as the Secretary may require.

The second section provides that in case the ownership of said property prior to such tax sale is in dispute, or when there are conflicting interests in such ownership, or when such interests are so involved as to render it proper for a court of equity to adjust the several interests of parties in the said land, the Secretary of the Treasury shall pay, out of any money not otherwise appropriated by law, to a receiver, who may be appointed by a court having jurisdiction to determine and adjust the said interests of parties claiming an interest in said land, and who may be appointed by said court for such purpose, who shall give security for the performance of his duties as the court may require, the amount of the proceeds of said sale, without interest, less all taxes, costs, expenses, and charges, as aforesaid, to be distributed, according to the order of said court, upon principles of equity, among the parties interested in said land according to their respective interests; provided that an order or decree be made by such court, all parties in interest consenting thereto, that said sum of money shall be accepted in lieu of the land, and that a commissioner or other officer be appointed thereby, who shall execute a complete quitclaim conveyance of said property, and a release of all mesne rents and profits thereof, to the purchaser or purchasers thereof at said tax sale, their heirs, assigns, or legal representatives; which conveyance shall, upon the receipt of such money by such receiver, operate as a complete extinguishment of all claim, right, title, and interest of the parties to such suit who may have been the owner or owners of said land at and before such sale, or have derived title or interest therein from such owner or owners as heirs, assigns, or otherwise.

The third section provides that in case the owner or owners of the land at and prior to such tax sale, or parties having a valid lien or interest upon or in the same, or any one or more of such persons or parties, are incapacitated, by reason of infancy, insanity, or other legal disability, from complying with the provisions of the first two sections of this act, so as to give to the said purchaser or purchasers a conveyance of their interests in the said land, or in case such former owners or parties, or any one of them, shall refuse to avail themselves or himself of the privilege conferred by the said first two sections, and such facts shall be satisfactorily shown to the Secretary of the Treasury, and in case it shall also be shown to his satisfaction that the tax commissioners under the act, in executing the provisions of said act, made it their invariable rule and practice not to receive the taxes after the forfeiture imposed by the act and before the sale, unless the same were tendered by the owner of said land in proper person, the Secretary of the Treasury shall, out of any money not otherwise appropriated by law, pay, on their application and surrender of tax-sale certificate, to the purchaser or purchasers at said tax sale, his or their heirs or assigns, or legal representatives, as he may determine, the amount of the proceeds of said tax sale less all taxes, costs, and charges under the said act; provided that said purchaser or purchasers, their heirs, assigns, or legal representatives, as the case may be, shall first execute and deliver to the former owner or owners, and their heirs or assigns, a quit-claim conveyance of said property; which conveyance shall take effect and give to the former owner or owners, their heirs or assigns, an immediate right of possession to said property upon the receipt of the said money by said purchaser or purchasers, or their heirs, assigns, or legal representatives.

The fourth section provides that the time limited for the redemption of direct-tax lands by the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, be, and the same is thereby, extended for the period of one year from June 8, 1874, at the expiration of which time the Commissioner of Internal Revenue shall proceed to sell the lands as provided by section 4 of said act.

The fifth section provides that the purchasers, their heirs or assigns, of lands in South Carolina, sold at what is known as "Army and Navy" sales, and which lands have reverted to the United States for non-payment of the full amount of purchase-money, may be permitted to redeem the same, as provided in section 5 of said act, on payment into the Treasury of the remainder of purchase-money, with interest, at the legal rate in South Carolina, from the date when said remainder of purchase-money became due, to the date of payment into the Treasury, deducting rents received by the United States from such lands, but rents in no case to offset principal. And such Army and Navy purchasers shall make said payment, with interest as aforesaid, into the Treasury of the United States within six months from the passage of this act, at which time their right to the redemption of said land shall cease.

The sixth section provides that section 7 of said act shall not hereafter be held or construed to exclude from redemption lands in the State of South Carolina set apart and known as "school farms," remaining in the possession of the United States; nor lands reserved for war, military, naval, revenue, and police purposes under the instructions of the President of the United States dated September 16, 1863, unless actually set apart for such purposes prior to the date of the passage of the act.

The seventh section provides that where the United States have not been in possession of the lands, a release thereof in conformity to the provisions of the act of June 8, 1872, shall also operate as a release of all rents that may have accrued thereon since the United States acquired title thereto.

Mr. BECK. I only want to say to the House that the material portion of this bill was reported favorably by the Committee on Revision of the Laws, and the bill as reported has been approved also by the Committee on Ways and Means. It will be seen by the RECORD of June 11 that it has been drawn in part and approved fully by the Internal Revenue Department; indeed the original draught was prepared by the Commissioner of Internal Revenue. The Commissioner approves every word of it and indorses it. I sent it to him a day or two ago for re-examination and approval and received his unqualified indorsement. It is only carrying out the principles of the law of 1872. I move to suspend the rules for the purpose of passing the bill. I am willing, however, to answer any questions any gentleman may choose to ask.

Mr. LAWRENCE. Has this bill been considered by the Committee on Ways and Means?

Mr. BECK. It has, and is approved by it; it was drawn by the Department or under its direction.

Mr. LAWRENCE. What does the original act provide?

Mr. BECK. It provides for giving back all the lands the United States now hold upon the payment of the taxes and costs.

Mr. WILLARD, of Vermont. Why should the time be extended?

Mr. BECK. Because the law expired on the 8th of June, 1874, and in South Carolina, at Beaufort and elsewhere, the court-houses have been burned and many of the original titles were destroyed.

Mr. GARFIELD. What amount will be taken out of the Treasury by this bill?

Mr. BECK. The committee thinks that ultimately it may take about \$600,000.

Mr. GARFIELD. The gentleman says "ultimately;" in what time?

Mr. BECK. In perhaps two or three years. I cannot say exactly. After deducting all taxes, costs, and commissions, of course the surplus belongs to the original owner of the property, when the purchaser is quieted in his title.

Mr. GARFIELD. Does this bill include expenses of litigation? There have been a large amount of cases litigated in the courts.

Mr. BECK. Wherever there has been any litigation the costs have been paid by the private parties, not by the Government in the cases provided for here, as I understand it.

Mr. GARFIELD. Does this bill interfere with the forfeiture clause of the direct tax-law?

Mr. BECK. I think not in the slightest degree.

Mr. GARFIELD. If the gentleman will allow me, I will say in this connection that there was a case decided in the Supreme Court some three years ago, in which it was decided that the object of the law was to collect taxes and not to inflict penalties.

Mr. BECK. This bill merely continues and extends the law of 1872 where the property has been sold and is now held by the purchasers; it is to return the purchase-money and secure rights which are clearly equitable.

Mr. GARFIELD. How much money will go out of the Treasury under this law?

Mr. BECK. The committee thinks there may be \$600,000 taken out of the Treasury.

The motion to suspend the rules was seconded, and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

#### GENEVA AWARD.

The SPEAKER announced the appointment of Mr. BUTLER of Massachusetts, Mr. FRYE of Maine, and Mr. POTTER of New York, as the conferees on the part of the House upon the disagreeing votes of the two Houses upon the amendments of the House of Representatives to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

#### BANKRUPT LAW.

Mr. TREMAIN submitted the following report from the committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with the following amendments thereto:



Section 1, line 5, after the word "thereof," insert "under the direction of the court."

Section 1, insert at the end of the section:

*Provided*, That such order shall not be made until the court shall be satisfied that it is approved by a majority in value of the creditors.

Section 4, line 5, before the word "sales" insert "public."

Section 4, line 6, after the word "published" insert "once a week for three consecutive weeks."

Section 4, line 10, after the word "sales" insert "including the power to set aside the same, and to order a resale."

Section 4, line 13, strike out the words "in hand."

Section 4, line 13, strike out the words "in three equal" and insert in lieu thereof "within eighteen months in such."

Section 4, line 14, after the word "installments" insert "as the court may direct."

Section 4, lines 15 and 16, strike out the words "and payable at intervals of not more than six months between any two payments."

Section 4, line 23, strike out "one" and insert in lieu thereof "ten."

Section 4, line 39, strike out the word "or."

Section 4, line 41, strike out the words "think fit" and insert in lieu thereof "so order."

Section 4, lines 45 and 46, strike out the words "or deposit of any of the funds coming to his hands as such assignee," and insert in lieu thereof "disposal, or proceeds of the bankrupt's estate."

Section 4, line 56, strike out the word "three" and insert in lieu thereof "five."

Section 5, lines 1 and 2, strike out the words "adding after the word 'specifies' in line 35 the words," and insert in lieu thereof the words "striking out the words 'as the warrant specifies' where they first occur, and inserting the words 'as the marshal shall select, not exceeding two,' and inserting after the word 'specifies,' where it last occurs, the words."

Section 9, line 11, strike out the word "three."

Section 9, line 14, after the word "of" insert "at least one-fourth of."

Section 9, line 15, before the word "value" insert "one-third in."

Section 9, lines 13 and 14, strike out the words "as prescribed by existing law."

Section 11, insert at the end of the section the words "And nothing in said section 35 shall be construed to invalidate any loan of actual value, or the security therefor, made in good faith, upon a security taken in good faith on the occasion of the making of such loan."

Section 12, line 15, after the word "court" insert "of the United States or."

Section 12, line 20, after the word "law" insert "of the United States or."

Section 12, line 32, after the words "being a" insert "bank."

Section 12, line 36, strike out "or."

Section 12, line 37, after the word "such" insert "or who, being a bank or banker, shall fail for forty days to pay any depositor upon demand of payment lawfully made."

Section 12, line 59, after the word "court" insert ("if satisfied that the admission was made in good faith.")

Insert as an additional section, after section 15 of the amendments, the following:

Section —. That section 49 of said act be amended by striking out after the word "the," in line 5, the words "supreme courts," and inserting in lieu thereof "district courts;" and in line 6, after the word "States," inserting the words "subject to the general superintendence and jurisdiction conferred upon circuit courts by section 2 of said act."

And that the numbering of the sections be changed so as to correspond with the foregoing amendment.

And the Senate agree to the same.

LYMAN TREMAIN,  
BENJ. F. BUTLER,  
CHAS. A. ELDRIDGE,  
*Managers on the part of the House.*  
GEO. F. EDMUNDS,  
GEO. G. WRIGHT,  
A. G. THURMAN,  
*Managers on the part of the Senate.*

The question was upon agreeing to the report.

Mr. TREMAIN. Several gentlemen have asked me to explain these amendments, and I will do so in a few moments if the House will give me its attention. The basis upon which we have proceeded in making up this report are the amendments of the Senate which have not been considered in the House, and therefore I will very briefly state the effect of this conference report.

The principal point of difference between the two Houses was as to the repeal or amendment of the bankrupt law. Instructed by the House, the managers on the part of the House endeavored to procure the repeal of the law. They failed utterly in this, and became satisfied that there was no chance whatever to procure the consent of the committee on the part of the Senate or of the Senate to such a repeal. Therefore they have proceeded, under the assurance on the part of the managers on behalf of the Senate that they would yield as far as possible to the desire of the House, to do away with the odious features of the bankrupt law.

The first amendment is in regard to what constitutes an act of bankruptcy. The old bankrupt law passed in 1800 did not make the omission to pay a debt an act of bankruptcy. The present law, the law of 1867, declares that the omission to pay a debt for fourteen days was an act of bankruptcy. But the conference report amends that law so as to allow a period of forty days to elapse before a merchant or trader who neglects to pay his commercial paper is liable to be thrown into bankruptcy. Your committee regard that as a very material alleviation of the severity of the present law.

The next important amendment is in regard to the power of any one creditor to throw a merchant or a trader into the bankrupt court. The present law gives that right to any one creditor or to any number of creditors who have debts amounting to the sum of \$250. This is the origin of a great portion of the complaints made against the law, for if 95 per cent. in number and in value of the creditors were unwilling to have the party thrown into bankruptcy a single merciless or malicious creditor would have that right. This is amended under the report of the conference committee on the amendments of the Senate so as to require an assent of one-fourth in number and one-third in value of the creditors before any man is liable to be thrown into bankruptcy. But in order to meet the cases which may have arisen since the 1st December last, when we first agitated the subject of the re-

peal or amendment of the bankrupt law, this section requiring one-fourth in number and one-third in value as a condition of throwing into bankruptcy, has been made to relate back to the commencement of the session of Congress on the 1st day of December last. The object of this is to prevent any overreaching creditor who intended to get ahead of Congress from taking anything by his motion.

And then there was no provision made in the present law for discontinuing the proceedings in bankruptcy, though the bankrupt may have paid the debts on which he was thrown into bankruptcy, and although a majority of the creditors may have desired the proceedings to be discontinued. In this respect we have amended the bill so as to provide that proceedings shall be discontinued whenever the bankrupt pays those secured debts which were the ground of throwing him into bankruptcy, or whenever, with the consent of the court, he and a majority of the creditors shall ask for a discontinuance of the proceedings.

Then we have changed the time within which contracts and transactions had with a bankrupt in making a transfer of property or liens upon it may be set aside in case he shall afterward be thrown into bankruptcy by changing the time from four to two months in one case, and from six months to three in another case.

To meet that large class of cases where a person may take an assignment of property or make an advance of money in good faith, or where a judgment may have been obtained or a lien acquired by the seizure of his property, in order to obviate the evils resulting from conflicting decisions we have adopted amendments declaring that in order to set aside any such hypothecated pledges or liens on the bankrupt's estate it must appear that the party dealing with the bankrupt knew that he intended to perpetrate a fraud upon the bankrupt law and that he intended to go into bankruptcy. It is not enough that the party had reason to suppose that the bankrupt was insolvent, but he must also know that he was contemplating bankruptcy. If he was really struggling to retrieve his condition, and hoped and expected to go through, the transaction would not be invalidated by the bankrupt law.

And then we have incorporated an affirmative provision in our report, that whenever a bankrupt obtains a loan from a friend in good faith, even where insolvent, where the loan is made and the security is taken in good faith, with the intention of aiding and carrying him through successfully, such a loan shall be considered as having actual value and the security taken upon it shall not be invalidated by the proceedings in the bankrupt court.

Then we have also changed the law in regard to the conditions on which a discharge may be procured. Under the present law, as you will remember, a voluntary bankrupt may pay either 50 per cent. or obtain the consent of a majority of his creditors. The Senate report originally made this distinction between a voluntary and an involuntary bankrupt. An involuntary bankrupt thrown into bankruptcy and free from all fraud was entitled to his discharge without regard to the assent of his creditors, or the amount his estate paid; while they proposed that the voluntary bankrupt should pay either 33 per cent. of his debts or obtain the consent of a majority of his creditors. We claimed that there was no good reason for such a distinction between the two classes, and that the discrimination ought not to be made against the voluntary bankrupt, who surrendered all his property in good faith and asked to have the benefits of the law. The Senate managers, however, claimed that there ought to be a distinction, for the reason that where the requisite number of creditors insisted on throwing him into bankruptcy, they treated him as civilly dead and should not be permitted to avail themselves of his subsequent earnings in payment of the debts. But they yielded so far to the views of the House committee as to say that a voluntary bankrupt should have his discharge if the estate paid 30 per cent. instead of 50 per cent., as under the existing law, or provided he obtained the same number of his creditors as is necessary to throw him into bankruptcy; that is, one-fourth in number and one-third in value. Now in regard to an involuntary bankrupt he can get his discharge if his conduct is free from all fraud and he is innocent of any violation or infringement of the provisions of the bankrupt act.

In this connection I may state that I have seen a memorial sent on from New York which has an entirely erroneous idea as to the right of an involuntary bankrupt in regard to his discharge. The memorialists seem to assume that an involuntary bankrupt will obtain his discharge although guilty of violations of the existing law; whereas it is provided that before he can get his discharge he must be entitled to it under existing law.

The thirty-ninth section of the existing law declares that no discharge shall be granted, or if granted shall be valid, if the bankrupt is guilty of any one of the sixteen acts enumerated, covering almost every conceivable case, and winds up by saying that he shall not be entitled to it if he be guilty of any fraud of any kind in violation of the provisions of the bankrupt law. This shows that they have labored under an entire misconception of the effect of the Senate amendment.

Mr. HARRIS, of Virginia. Will the gentleman from New York allow me to ask him a question?

Mr. TREMAIN. Certainly; with pleasure.

Mr. HARRIS, of Virginia. Under the law as it existed before 1869 in a case of voluntary bankruptcy the 50 per cent. had to be paid only on debts created since 1870.

Mr. TREMAIN. That was the law of 1867; was it not?

Mr. HARRIS, of Virginia. The law of 1869 when the amendment was made. Previous to that time no percentage was required to be paid on old debts.

Mr. TREMAIN. There is now no distinction made.

Mr. HARRIS, of Virginia. Then this applies to old debts as well as to new ones. I desire to know whether the 30 per cent. dates back since a given time or applies indefinitely to old as well as to new debts.

Mr. TREMAIN. I will say in reply to the gentleman from Virginia that the attention of the Senate managers was called to that provision of the law on our part and we desired to have that provision retained, but it was supposed that the debts of this class were small and inconsiderable in number and it was thought best that there should be a uniform rule, and that the rule provided for by this bill ought to apply to old debts as well as to new ones.

We have also provided that the assignee, as was disclosed in recent proceedings in New Orleans where large profits were made by dividing the fees of auctioneers and in other ways, should not be permitted to avail himself of such profits. We have also provided to meet a case under the old law where if a creditor had attempted to obtain a lien on the property of the bankrupt, that is held to be fraudulent and he forfeits all right to prove his debt and be allowed for any part of it out of the bankrupt's estate. We have modified this so as to say that he shall only forfeit a moiety of his debt.

We have also made further provision for composition by creditors with the assent of the debtor, providing that the composition may be made by a majority of the creditors where approved by the court for the release and discharge of the debtor.

We have reduced the fees and expenses of bankruptcy one-half, until the judges of the Supreme Court shall meet in convention and establish a permanent system of reduction of fees and a simplification of the proceedings in cases of bankruptcy so as to render them less expensive to the bankrupt, and to expedite proceedings.

We have also provided for the utmost publicity as to all the acts of persons connected with the execution of the law, by requiring full and minute reports to be made and published from the clerk, from the assignee, from the marshal, and from the register. We were anxious to get several other amendments to the law in which we failed, and in particular we desired that mortgages should be taken out of the operation of the law, and that a foreclosure of a mortgage should not be enjoined by a bankrupt court. But the managers on the part of the Senate claimed that the law now is that no bankrupt court shall restrain foreclosure of a mortgage, except in especial and extreme cases where the interests of an estate require it, and that that power is subject to the supervisory control of the circuit judge. They also assured us that at the next session of Congress, or at some time hereafter, they would be ready to co-operate with us in amending the law so as to remedy any evils that time and experience may develop.

We have also, at the suggestion of several of the Delegates from the Territories, made an amendment by which original jurisdiction is conferred on the courts in the Territories, subject to the appellate jurisdiction of the supreme court of the Territory, in bankrupt cases, whereas it has been decided that it did not exist heretofore.

This statement covers substantially the leading points in which we amend the present law, and I will only say in conclusion that the question presented to us, and the question now presented to the House, is not whether a bankrupt law should pass. We were reminded by the managers on the part of the Senate, and we were painfully conscious of the fact, that the law as it stands cannot be changed except by the assent of both Houses of Congress, and that we must either accept the situation and make such amendments as we could obtain to the existing law, or allow it to remain in force with all its acknowledged evils. We have done the best we could to secure amendments, and it is for the House to determine, not whether a bankrupt law ought to be passed, not whether the present law should be repealed, but whether it shall be amended and ameliorated.

Mr. LAWRENCE. I desire to ask the gentleman whether this bill will operate as a discontinuance or authorize a discontinuance of any bankrupt proceeding now pending which has been commenced by creditors less in number or value than is prescribed by this bill?

Mr. TREMAIN. That is a question of construction upon which I am not inclined to express an opinion.

Mr. LAWRENCE. But it is a very important question.

Mr. TREMAIN. No such question has been discussed or raised in the committee of conference. This bill amends the original bankrupt law by providing that it shall read as follows—giving the act in its amended form. Now it might be claimed with great ingenuity that this, as an amendment of the original law, would apply to prior cases as well as those arising after the passage of the amendatory act. But on that question I do not undertake to express an opinion. The general rule of construction doubtless is that statutes are only to be construed prospectively unless where the contrary intention is expressed. As to one section of this bill, as I have already stated, the statute is made to retroact back to the 1st of December last. Now, as to the rule which shall obtain in reference to a discharge, the law which exists at the time of granting a discharge would probably apply. For example, in this case the old law regulating the conditions upon which a discharge may be granted will be repealed, and the only law regulating the terms of such discharge will be the new rule which, as

I have already observed, in cases of voluntary bankruptcy changes the percentage of payment from 50 to 30 per cent. and reduces the requisite number of assenting creditors from a majority to one-fourth in number and one-third in value.

Mr. LAWRENCE. Is it not better that we should settle that question now than leave it open to controversy hereafter?

Mr. WARD, of Illinois. I wish to make a suggestion.

Mr. TREMAIN. I propose to yield to my colleague on the committee of conference, the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. WARD, of Illinois. We ought not to pass on this bill until it has been printed. I desire to make a motion that it be printed and made a special order for the day after to-morrow, immediately after the reading of the Journal.

Mr. TREMAIN. I do not yield for that motion. I yield to the gentleman from Pennsylvania [Mr. MYERS] for a question.

Mr. MYERS. I wish to put an inquiry in regard to the sixteenth section of the bill, relating to composition with creditors. In the bill as it came to us from the Senate it was provided that a resolution of composition, to be operative, must be passed by a majority in number and three-fourths in value of the creditors, confirmed afterward by the signatures of the debtor and two-thirds in number and one-half in value of the creditors. This resolution, with a statement of the debtor as to his assets and debts, was to be presented to the court; and the court, upon being satisfied on proper notice and hearing, that the resolution had been duly passed and that the same is for the best interests of all concerned, should cause it to be recorded and the statement filed. As the Senate bill read, such resolution was to be of no validity until such record and filing. Now I ask the gentleman whether the committee of conference have left in the bill that provision, so that no matter how large a number of creditors may have complied with the law and passed a resolution for composition the court, if it think such resolution not for the best interest of all concerned, may declare it of no validity?

Mr. TREMAIN. The managers on the part of the House endeavored to procure a modification of that provision so as to declare that where a majority of the creditors agreed with the debtor as to composition it should not be subject to the supervisory control of the court. We were, however, unable to procure such a provision; and inasmuch as the entire provision with regard to composition is an advance upon the present law, we yielded. The argument on the part of the Senate committee was that inasmuch as we are taking from the minority of creditors the right they would otherwise have under the composition, such composition, in order to be constitutional, ought to be subject to the supervisory control of the court. We did all we could to meet the views of my friend from Pennsylvania, but we have failed.

Mr. MYERS. I am very sorry that you have.

Mr. TREMAIN. I now yield to my colleague on the conference committee, the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I do not wish to make any extended remarks. It is well known to the House that I have been opposed to any bankrupt law. I was opposed to the original bill and voted against it; I voted for its repeal at the last session, and also at the present session. I was in hopes that the law might be repealed. I have signed this report because I felt compelled to do so; not because the law in the form proposed to be amended is satisfactory to me; not because the amendments are so extensive as I would wish to see adopted, but because we had to take these amendments or nothing. We were obliged either to accept these amendments or let the law stand as it is now. The Senate committee at once took the position that they had the power to keep the law as it now stands; that the session of Congress was far gone, and that unless we agreed to some amendments the old law with all its obnoxious provisions would continue upon the statute book.

Under these circumstances we deemed it our duty to go to work and pull as many rotten teeth out of the old law as we could. That was our endeavor; and I think these amendments will improve the law very much indeed in many respects. The gentleman from New York [Mr. TREMAIN] has stated the effect of the several amendments, and it must I think be apparent to the House that they are very great improvements upon the existing law. If there were no other change than the limitation as to the fees which the officials of the courts may charge in bankrupt proceedings, that of itself would be an object worthy of attainment. A gentleman near me inquires whether we leave the involuntary feature in the bill. We do. The amendments we recommend will prevent any such exorbitant charges being made as the investigation of proceedings in cases in Louisiana, Alabama, and some other States shows to have been made there.

It being apparent that we must either continue the old law with all its defects and deformities or else amend it, I deemed it my duty to get the best measure I could, and therefore I signed the report. The conferees on the part of the House endeavored to get, and did get, just as much concession as they could from the Senate. But as the Senate had the power either to merely amend the law or to continue the present law in force, they had us pretty much at their mercy. I think that those who are in favor of the repeal of the bankrupt law will find that the existing law is very much improved by the amendments recommended in our report.

Mr. TREMAIN. I yield to my colleague, [Mr. POTTER.]

Mr. BUTLER, of Massachusetts. I would like to be heard on this question.



Mr. POTTER. If the gentleman from Massachusetts [Mr. BUTLER] wishes to speak first I will give way.

Mr. BUTLER, of Massachusetts. I was about to take the floor, Mr. Speaker, as one of the members of the committee of conference to say to the House that if any gentleman finds that the bill with the present amendment is not what he would like to have he has only to ask himself, "Is this bill with the amendments better than the old law?" Because if it is, then you had better vote for it, for it is either as we have amended it or to let the law stand as it is now.

There are two or three things where I think this is a great deal better. In the first place, under the old law, if a man's paper went to protest for fourteen days, one of his creditors, to the amount of two dollars, could put him into bankruptcy. The law as amended stands that his paper must lie over forty days, and then one-fourth of all his creditors in number and one-third in value must agree together before he can be put into bankruptcy.

The other great provision, which I think is an important one, is that it shortens the time in which conveyances may be set aside. Now the time is four and six months, and a matter must be six months old in some cases which may be inquired into. Now those times are reduced to two months and three months.

Again, it requires knowledge within the meaning of the law of the fraudulent condition of the bankrupt on the part of the man who deals with him to set aside a conveyance. The present law all of you know and know how much litigation has grown up under it.

Again, about the question put by the gentleman from Ohio [Mr. LAWRENCE] I have no doubt; that is, that all cases which are now pending must be wound up under the law as it will be when the President signs it with our amendment.

Mr. CONGER. What cases?

Mr. BUTLER, of Massachusetts. All kinds of cases under it—under the law as it will be amended, because the amendments are amendments to the law as it is.

Mr. LAWRENCE. But my question was—

Mr. BUTLER, of Massachusetts. I am coming to your question. The question was, whether it will alter the condition of any one of these cases so far as to get a man into bankruptcy is concerned; that is, if a man went into involuntary bankruptcy on the petition of a single creditor, will this law take him out.

Mr. LAWRENCE. That is it.

Mr. BUTLER, of Massachusetts. Clearly not, because the law will not be retroactive in matters now in conflict. It will not alter the condition of fraud committed before he went in. It will not alter anything which has been done, because this, more than any other law, ought not and cannot be retroactive under the language of the Constitution.

Mr. LAWRENCE. It is the general rule that every law is prospective unless made expressly retroactive.

Mr. BUTLER, of Massachusetts. We have only made it retroactive in one or two instances where necessary, not to leave a hiatus.

Mr. PARSONS. In case of any suit now pending in bankruptcy commenced prior to the passage of this act will the bankrupt be compelled to pay anything more than the amount provided for in the present law?

Mr. BUTLER, of Massachusetts. He will be relieved by the provisions of the law as they stand at the moment he makes application to the court for his discharge.

Mr. GARFIELD. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. GARFIELD. Will the bill as it stands specifically make this retroactive back to any given point?

Mr. BUTLER, of Massachusetts. Only in one or two instances, which are of minor importance.

Mr. GARFIELD. I understand the gentleman to claim, if we amend the law by adding certain words to it so they are to be injected into the body of the old law, the words thus put in will take effect under the old law as of the date of the old law.

Mr. BUTLER, of Massachusetts. They will take effect in the old law of the date when they become the law.

Mr. GARFIELD. Of the date when they were put in?

Mr. BUTLER, of Massachusetts. Let me give an instance, and that will illustrate it. Suppose the law should be if A struck B he should be hanged, and then we should put in the word "not," "should not be hanged," I take it A would not be hanged for striking B, under the old law.

I yield to the gentleman from Illinois, [Mr. WARD,] who proposes to move that the conference report be printed.

Mr. CONGER. I desire to ask the gentleman from Massachusetts a question. Whether this changes the mode of management in the settlement of estates in bankruptcy?

Mr. BUTLER, of Massachusetts. It only allows creditors to come in and wind up the estates under certain rules, which are included in the amendments. It does not affect the mode of settlement beyond this. It affects the number and value of creditors who may consent to the discharge.

I wish to say one thing more, and then I will yield to the gentleman from Illinois, who desires to make a motion to have the amendments printed—

Several MEMBERS. That is right.

Mr. BUTLER, of Massachusetts. I hope, however, that the gentleman will not succeed in that motion.

Another great benefit that will result from these amendments is this: The universal cry from one end of this country to the other was and is that estates in bankruptcy are eaten up in fees and costs. Now we have gone to work and cut down those costs one-half on the face of them. And that was not the worst of it. The worst of it was that there was no supervision of the costs. A great many judges did not make it their business to look into the costs. We have arranged it so that there must be a publication of all the fees and expenses in bankruptcy, so that every man in the community can revise the fees in every case. The difficulty was that there were clerks who made no reports and charged enormous fees. There were registers who overcharged, and there were assignees who ran away with millions of estates and never divided anything.

Mr. CRITTENDEN. I desire to ask the gentleman a question. Where a man goes into bankruptcy under this law, is he required to pay 30 per cent. before he gets his discharge, or is he referred back to the old law?

Mr. BUTLER, of Massachusetts. He is required to pay the 30 per cent. or get the assent of a certain portion of his creditors, one-fourth in number and one-third in value, instead of a majority as heretofore.

Mr. CRITTENDEN. In the case where a man is made a bankrupt by his creditors he is discharged under this law, by the operation of the law, or is he required to pay a certain percentage of his debts and to obtain a certain proportion of his creditors?

Mr. BUTLER, of Massachusetts. He gets his discharge if there has been no fraud. I now yield to the gentleman from Illinois, [Mr. WARD.]

Mr. TREMAIN. I hope the adoption of the report will not be thrown over till to-morrow on the motion to print.

Mr. WARD, of Illinois. If there is general opposition to the motion I will not press it.

Mr. TREMAIN. I now yield to my colleague, [Mr. POTTER.]

Mr. HARRIS, of Virginia. Before the gentleman from New York [Mr. POTTER] proceeds, I desire to ask the gentleman from New York [Mr. TREMAIN] of the committee of conference, this question: In 1859 an amendment was made to the bankrupt law providing that the homestead law in the several States, not exceeding \$2,000, should be set apart for the bankrupt, and in addition, that the bankrupt should have the benefit of the homestead law as against judgment decrees and orders of the court existing prior to that time. In my State Judge Bond decided that as to the liens prior to the passage of the act it was unconstitutional and void. The supreme court of the State confirmed that decision, thus rendering the homestead provision in my State a nullity. I desire to ask whether the conference committee have taken that question into consideration and have tried to introduce a uniform system so as to avoid the construction put upon it by that decision?

Mr. TREMAIN. The question the gentleman has referred to was brought up in this form: The managers on the part of the House endeavored to get an amendment of the bankrupt law so as to provide that the supervisory jurisdiction exercised by the circuit court in bankruptcy shall itself be subject to appeal to the Supreme Court of the United States, so that the very class of cases the gentleman has referred to might be brought to the Supreme Court. The Senate refused to adopt that amendment on two grounds: first, because the Supreme Court was already overwhelmed with business; and second, because it might interfere with the summary disposition of the bankrupt's estate, which it was the object of the bankrupt law to bring about. Our attention was not called to any evil in the law itself. The law itself, as the gentleman has correctly stated, provides for an exemption, and we did not change that.

I give notice that after my colleague [Mr. POTTER] has addressed the House for five minutes I will call the previous question.

Mr. POTTER. Mr. Speaker, I am very reluctant to detain the House on this question, when it is so desirous of coming to a vote. At the same time I should have preferred that the motion of the gentleman from Illinois [Mr. WARD] had prevailed, so that the amendments embraced in the conference report might be printed, and that the House might take some other time for its consideration; because, late as the session is, this subject is of sufficient importance to yet further deserve our careful deliberation.

There is undoubtedly presented here, as the gentleman from Massachusetts [Mr. BUTLER] has said, a choice of evils between the existing law and the proposed law. But none the less ought it to be considered whether it would not be the wisest policy to submit until another session to the existing law rather than, by adopting such a partial and imperfect amelioration of the existing law as is proposed by this report, weaken the chance for absolute repeal which we might otherwise have. My colleague has stated to the House that the only protest from the creditors of the country which has reached the House since the Senate amendments were printed is the memorial from Messrs. E. S. Jaffray & Co., and other merchants of New York, which I hold in my hand, protesting against the Senate amendments, and which I now present to the House, but which, not to detain the House with now reading it in full, I will print in the RECORD as part of my remarks.

I trust, Mr. Speaker, that, as my colleague says, these memorialists have misconstrued the effect of the Senate amendments, and that

they are not so obnoxious to their objections as they think. Nevertheless, I am myself satisfied that the modifications recommended in the law by the report of the committee of conference will remedy the evils of the law at best to but a small extent. I am afraid that in some respects even the relief they intend to give will be found to be wanting. For instance, the existing law has been so construed as to wholly invalidate *bona fide* liens and chattel mortgages, not recorded as required by the local laws, although such securities would have been perfectly good by the law of the State where made as between the bankrupt and the lien-holding creditor. No such effect was I believe ever given to any previous bankrupt law in this country or in England. The committee have sought to get rid of this construction by the proviso they have added to section 11 of the Senate amendments. But I fear that by limiting that proviso to the thirty-fifth section of the bill when it should have applied to the whole law, they have failed to secure the relief they intended, though I understand they regard the language used in the conference report as broad enough. And generally, sir, I am satisfied that we are going to get, from adopting this report, but imperfect relief from the hardships of this law, against which the creditors of the country have been so generally protesting.

For myself, I come from the creditor section of the country, and it is claimed that this law is to be retained for the benefit of creditors, and yet, sir, I have received no communication except from a single firm, during this entire session, in favor of its retention on the statute-book. It has answered its general purpose so far as the debtors of the country are concerned. About once in a generation a bankrupt law on their account seems to have been called for—and they being relieved this law is sought to be retained in the interest of the creditor—and yet, I repeat, the entire creditor section of the country is against it; and I am one of those who believe they are more competent to judge what is for their own interest than even Congress is to judge for them. We have, however, to take the report of the committee of conference as a whole. Perhaps if adopted it may result in making the law better on the whole than it was, but of that I am doubtful.

[The memorial referred to by Mr. POTTER is as follows:

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

The memorial and remonstrance of the undersigned, merchants and business men of the city of New York, respectfully shows:

That they have been surprised by the announcement in the newspapers that the Senate amendments to the bankrupt act have been substantially agreed to by the conference committee on the disagreeing votes of the two Houses on the subject of that act. That from all the information given to the public, your memorialists were led to believe that those amendments would not be concurred in by the honorable the House of Representatives.

And your memorialists further represent that they deem many of the proposed amendments unwise and unjust, and therefore such as ought not to be adopted. That among these are the following:

First. The provision of section 9 of the proposed amendments, declaring that in cases of compulsory or involuntary bankruptcy the existing provisions of the law requiring the payment of any proportion of the debts of the bankrupt, or the assent of any portion of his creditors, as a condition of his discharge from his debts shall not apply.

The statute makes it an act of bankruptcy upon which a petition in involuntary bankruptcy may be brought for a person owing debts to depart from the State, district, or Territory of which he is an inhabitant, with intent, to defraud his creditors, or being absent to remain absent with such intent, or to conceal himself to avoid the service of legal process, in an action for the recovery of a debt provable under the act, or to conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process. None of these acts will prevent the discharge of the bankrupt under the statute. Why a man who has been guilty of any of these offenses, and in consequence has been forced into bankruptcy, should be entitled unconditionally to a discharge, while the honest debtor who has not absconded, or skulked, or concealed himself or his property, but voluntarily surrenders his property and asks for a discharge from his debts, should, as a condition of such discharge, be obliged to pay 33 per cent. of his debts, or procure the assent of one-half in number and value of his creditors, your memorialists find it difficult to understand. Your memorialists suppose that it is not the intention of Congress to enact such a distinction in favor of fraud and knavery, and against honesty and fair dealing.

Your memorialists submit, however, that the limitation of an unconditional discharge to cases of compulsory or involuntary bankruptcy will be found to be practically superfluous and nugatory. Every case will be compulsory or involuntary. There will hardly be an instance in which a man honestly a creditor cannot, from one consideration or another, be procured to file a friendly petition in involuntary bankruptcy against a debtor aiming to obtain a discharge from his debts. And where such an instance shall occur there will be little trouble in manufacturing an indebtedness so as to create a creditor who will answer the purpose. In such a case, if the amendments of the Senate to the thirty-ninth section of the act shall be considered as requiring that the petition in involuntary bankruptcy shall allege that one-fourth in number and one-third in amount of the creditors of the debtor have joined in the petition, the debtor, whether such proportion in number and amount shall join in the petition or not, will be swift on the filing of the petition to admit in writing, as further provided by the amendment that the requisite number and amount of creditors have petitioned. The court will, as directed by the amendment, thereupon so adjudge, which judgment is final, and the debtor as an involuntary bankrupt becomes entitled under the act to a discharge from his debts without paying anything to his creditors, and in defiance of their opposition. Such is the result as appears, to your memorialists, fairly to be apprehended from the proposed amendment. Legislation which by its very terms allows and is a temptation to artifice like this, will not, your memorialists are persuaded, be knowingly adopted by the Congress of the United States.

Second. The provision of section 12 of the proposed amendments amending section 39 of the law so as to require in order to bring a petition in involuntary bankruptcy against a debtor that one-fourth in number of his creditors "the aggregate of whose debts" amounts to at least one-third of his debts shall join in the petition. The statute, be it remembered, makes it an act of bankruptcy for a person owing debts to abscond with intent to defraud his creditors, or to remain absent with such intent, or to conceal himself with intent to avoid service of civil process, or to conceal or remove his property, to avoid its being seized on legal process, and moreover to make an assignment or transfer of his property with intent to delay, de-

fraud, or hinder his creditors. And yet by this amendment for the commission of any of these fraudulent acts this law will provide no remedy unless the creditor first obtains or is certain of obtaining the concurrence in his proceeding of at least one-fourth in number and one-third in amount of the creditors of this fraudulent debtor. The Congress of the United States, your memorialists believe, does not propose to offer a premium for fraud. They are fearful that such will be the effect of the adoption of this amendment.

Third. The provisions for "composition with creditors" contained in section 16 of the amendments.

By this amendment, in all cases of bankruptcy, whether an adjudication in bankruptcy shall have been had or not, the creditors of the alleged bankrupt may, at a meeting called as prescribed by the amendment, "resolve that a composition proposed by the debtor shall be accepted in satisfaction of the debts due to them from the debtor." Your memorialists respectfully submit that the provisions of this proposed amendment offer unfair opportunities and advantages to the debtor, and leave the rights and interests of creditors without adequate protection.

Your memorialists, in the suddenness with which they are called upon and the brief period afforded them to remonstrate against the adoption of these amendments, can only call your attention to some of their most objectionable provisions. They believe that if they shall be enacted into a law they will tend to demoralize the business transactions and prove of serious injury to the credit system of the country.

Your memorialists, therefore, respectfully remonstrate against the passage of the said amendments.

And your petitioners, as in duty bound, will ever pray, &c.

NEW YORK, 13th June, 1874.]

Mr. TREMAIN. My colleague on the committee from Illinois [Mr. WARD] desires to submit a motion to print the report and the bill, and as a matter of courtesy I will allow him to make that motion; but I hope the House will not agree to it, because it will throw this matter over until to-morrow.

Mr. WARD, of Illinois. I desire, Mr. Speaker, to preface the motion I am about to make by saying that I do not antagonize this report. It is in the interest of legislation looking to repeal; but I desire it printed, so that all gentlemen may know what they are voting for. I will therefore move that the report be printed, and that it be made the special order for to-morrow immediately after the reading of the Journal.

Mr. E. R. HOAR. Pending that motion I move that the House now take a recess until half past seven o'clock.

#### WITHDRAWAL OF PAPERS.

Mr. HUNTON asked and obtained leave to have withdrawn from the files of the House the papers accompanying the bill for the relief of James M. Downey.

Mr. CANNON, of Illinois, asked and obtained leave to have withdrawn from the files of the House the papers in the case of N. R. Gruell, of Arcola, Illinois.

Mr. FOSTER asked and obtained leave to have withdrawn from the files of the House the papers in the case of William E. Childs.

Mr. ALBERT asked and obtained leave to have withdrawn from the files of the House the papers in the case of W. J. Chibs.

Mr. KNAPP asked leave to have withdrawn from the files of the House the papers in the case of Robert Tillson.

Mr. LAWRENCE. I object to the withdrawal of the Tillson papers.

#### LEAVE TO PRINT.

Mr. STANDIFORD asked and obtained leave to have printed in the RECORD, as a part of the proceedings of the House, some remarks in relation to the Freedman's Savings and Trust Company. (See Appendix.)

Mr. DARRALL asked and obtained leave to have printed in the RECORD, as a part of the proceedings of the House, some remarks on the civil-rights bill. (See Appendix.)

#### SUSAN B. ANTHONY.

Mr. TREMAIN. I ask unanimous consent to submit a report from the Committee on the Judiciary on the memorial of Susan B. Anthony, and move that it be printed and recommended to the committee, not to be brought back by a motion to reconsider.

Mr. BUTLER, of Massachusetts. It is a minority report.

Mr. TREMAIN. I do not know whether it is a minority report or not; that remains to be seen.

By unanimous consent the report was received, and Mr. TREMAIN's motion was agreed to.

#### THE BANKRUPT ACT.

The question recurred upon the motion of Mr. E. R. HOAR that the House take a recess.

Mr. E. R. HOAR. I withdraw that motion.

Mr. WARD, of Illinois. I now ask for a vote on my motion that the report be printed and made the special order for to-morrow immediately after the reading of the Journal.

The SPEAKER. If the report is to be printed, it had better be recommended to the committee of conference, as it can then be brought before the House at any time as a matter of the highest privilege.

Mr. POLAND. The report is all printed in the RECORD of to-day.

Mr. WARD, of Illinois. The bill is not printed.

Mr. ELDREDGE. Can this report be committed to a committee of conference?

The SPEAKER. Why not?

Mr. ELDREDGE. The committee of conference have made their report, and it has been agreed to by the Senate.

The SPEAKER. It can be recommitted.

The question was taken upon the motion to recommit; and it was not agreed to.



The question was taken upon adopting the report of the committee of conference; and upon a division there were—ayes 128, noes 34.

Before the result of this vote was announced,

Mr. SENER called for the yeas and nays.

The yeas and nays were not ordered, there being 11 in the affirmative, not one-fifth of the last vote.

So the report of the committee of conference was adopted.

Mr. TREMAIN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I ask that the bill as amended by the report of the committee of conference be printed.

No objection was made, and it was so ordered.

#### PRESERVATION OF BALLOTS, ETC.

Mr. TREMAIN. I now move to suspend the rules and pass the bill (H. R. No. 1979) to preserve the ballots cast at and all papers connected with elections for Representatives or Delegates to Congress, and for other purposes.

Mr. COX. I hope my colleague [Mr. TREMAIN] will not try to put that bill through without debate.

Mr. RUSK. I move that the House now take a recess until half past seven o'clock.

Mr. TREMAIN. If a recess is now taken when will my motion again come up?

The SPEAKER. It will be the first thing in order to-morrow morning after the reading of the Journal.

Mr. TREMAIN. Then I will not object to it going over.

#### CELEBRATION OF BOSTON TEA PARTY.

Mr. POTTER. I ask consent to submit the following resolution, to which I think there will be no objection:

*Resolved, (the Senate concurring.) That the woman's centennial executive committee of the city of Washington have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.*

The question was taken upon adopting the resolution; and upon a division there were—ayes 52, noes 41; no quorum voting.

Mr. G. F. HOAR. I call for tellers.

Tellers were ordered; and Mr. POTTER and Mr. G. F. HOAR were appointed.

Mr. SENER. I call for the regular order. There is a motion pending to take a recess.

The motion for the recess was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House took a recess until half past seven o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m. Mr. CESSNA in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. By order of the House the session of this evening is for the consideration of reports, made and to be made, from the Committee on Invalid Pensions. After that order shall have been concluded, if it shall be concluded, the remainder of the session of this evening will be devoted to the call of the standing committees of the House for reports of a private nature to be referred to the Committee of the Whole on the Private Calendar.

#### WILLIAM M. DRAKE.

Mr. RUSK, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3181) granting a pension to William M. Drake; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of William M. Drake, late a private of Company D, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### THERON W. HANKS.

Mr. RUSK, from the same committee, reported a bill (H. R. No. 3182) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theron W. Hanks, a private of the Third Minnesota Battery, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JOHN W. DARBY.

Mr. RUSK, from the same committee, reported back favorably a bill (H. R. No. 2769) granting a pension to John W. Darby.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Darby, late a private in Company M, Thirty-second Regiment Massachusetts Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MELISSA RANKIN.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 3683) granting a pension to Melissa Rankin, of Indiana; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melissa Rankin, mother of Oliver S. Rankin, lieutenant in the Eleventh Regiment Indiana Volunteers, and pay her a pension at the rate of eight dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### INCREASE OF PENSIONS.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 3684) to increase pensions in certain cases; which was read a first and second time.

The bill provides that from and after June 4, 1874, all persons who while in the military or naval service of the United States and in the line of duty shall have lost one hand and one foot, or been totally and permanently disabled in the same, shall be entitled to a pension for each of such disabilities and at such a rate as is provided for by the provisions of the existing laws for each disability; but the act is not to be so construed as to increase pensions in any case.

Mr. RUSK. I ask for the reading of the report of the committee with the accompanying letter of the Commissioner of Pensions.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred a bill (H. R. No. 3684) granting a pension to George W. Trueheart, having considered the same, submit the following report:

The applicant desires an increase of pension, as he has lost an arm and a leg and is in a very bad condition. But the number of pensioners that are similarly disabled is exceedingly small, there being only sixteen in all, and in considering this case we have concluded that there should be a general law reaching the whole class, and we therefore report back the accompanying bill as a substitute and recommend its passage.

The following letter of the Commissioner of Pensions fully sets forth the facts:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,  
Washington, D. C., June 10, 1874.

SIR: Congress having recently passed a bill increasing among other pensions the pensions of those persons who have lost both hands or both feet to fifty dollars per month, I desire to call your attention to the fact that the law now in force provides a pension of twenty-four dollars per month for those persons who have lost a hand and a foot in the military or naval service and line of duty, and that unless some increase of pension is provided for this class a great disproportion will exist between the pensions of persons whose disabilities are nearly equivalent.

An examination of the rolls of pensioners shows that there are now sixteen persons receiving pension on account of the loss of an arm and a leg or a hand and a foot. I have the honor to recommend that the pension of this class of persons be increased to the sum of the pensions provided by law for the disabilities rated separately. This increase, in the opinion of the office, would establish a just proportion between the pensioners of the classes of persons referred to and their disabilities.

Very respectfully,

J. H. BAKER,  
Commissioner.

Hon. J. M. RUSK,  
Chairman of the Committee on Pensions,  
House of Representatives.

Mr. STORM. I wish to inquire of the chairman of the committee [Mr. RUSK] the amount of pension which the persons provided for in this bill will receive?

Mr. RUSK. Under this bill if a man has lost his arm above the elbow and his leg above the knee, he will get forty-eight dollars; if he has lost his leg below the knee he will get forty-two dollars; if he has lost his arm below the elbow he will get thirty-six dollars.

Mr. STORM. I understand, then, that the effect of the bill is to give him the pension now allowed for each disability?

Mr. RUSK. Yes, sir. If a man has lost both a leg and an arm he

gets the pension which would be allowed separately for each disability.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### GEORGE A. SCHREINER.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 3685) for the relief of George A. Schreiner; which was read a first and second time.

The bill provides that inasmuch as doubts have been suggested whether George A. Schreiner, of Wyandotte County, Kansas, is entitled to a pension of eighteen dollars a month under the acts of Congress relative to pensions, and the act approved June 8, 1872, entitled "An act increasing the rates of pensions of certain persons therein described," he having lost his right arm in the military service of the United States as a volunteer, which pension has heretofore been paid to him under a construction placed on the last-named act, the pension of eighteen dollars a month is confirmed to him, and the Secretary of the Interior is directed to place his name upon the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. STORM. How can there be any doubt in this case?

Mr. RUSK. I have adopted for my report in this case the Commissioner's letter. If necessary it can be read.

Mr. MOREY. I would suggest that the preamble be stricken out of the bill. I make that motion.

Mr. RUSK. I do not yield for that purpose.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1691) for the relief of Thomas Ridgway;

An act (H. R. No. 2347) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane;

An act (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers;

An act (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings;

An act (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed;

An act (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

An act (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" and

An act (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property.

#### ANDREW J. LASLEY.

Mr. RUSK also, from the Committee on Invalid Pensions, reported back a bill (S. No. 767) granting a pension to Andrew J. Lasley, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Lasley, late a private in Company K, Second United States Infantry, to take effect from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### EBENEZER W. BRADY.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 814) granting a pension to Ebenezer W. Brady, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer W. Brady, late

a chaplain of the One hundred and sixteenth Regiment Ohio Volunteers, from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JOHN W. TRUEITT.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 877) granting a pension to John W. Trueitt, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Trueitt, late of Company E, One hundred and forty-second Regiment Indiana Volunteers, to take effect from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### THOMAS SMITH.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 690) granting a pension to Thomas Smith, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Smith, late a private in Company C, First Regiment Michigan Light Artillery.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JOHN S. LONG.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 768) granting a pension to John S. Long, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Long, late of Company D, First Battalion Twelfth United States Infantry, to take effect from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MARGARET E. ALEXANDER.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Alexander, widow of Edwin A. Alexander, deceased, who was a private in Company K, Eighth Regiment Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment. And also to the following persons, the minor children of said Edwin A. Alexander, to wit, Laura Jane, who will be sixteen years of age January 18, 1875; Mary Alice, who will be sixteen years of age August 8, 1876; John Henry, who will be sixteen years of age December 15, 1878; Sarah Elizabeth, who will be sixteen years of age August 22, 1880; to take effect from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SUSAN R. MOORE.

Mr. RUSK also, from the same committee, reported back a bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phoebe Sofield, a pensioner, with the recommendation that it do pass.

The bill, which was read, provides that the benefits of the act approved March 3, 1873, entitled "An act to amend an act granting a pension to Phoebe Sofield, widow of Lewis Sofield," be, and the same hereby are, extended to Susan R. Moore, the relative and legatee of the said Phoebe Sofield, who died previous to the passage of said act,



so that the said Susan R. Moore shall be entitled to receive the pension which would have accrued to the said Phæbe Soffield had she been alive when said act passed; provided, however, that the said pension shall only be calculated to the day of the death of the said Phæbe Soffield.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

#### NANCY CURRY.

Mr. WALLACE, from the same committee, reported a bill (H. R. No. 3686) granting a pension to Nancy Curry; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to enter on the pension-roll the name of Nancy Curry, the widow of V. P. Curry, who was a member of Company L, Thirteenth Regiment Kentucky Cavalry, in the war of 1861, to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### VICTORIA L. BREWSTER.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3687) granting a pension to Victoria L. Brewster; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Victoria L. Brewster, widow of B. S. Brewster, late an engineer on the United States transport Lemuel Hill, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WILLIAM O. MADISON.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3688) granting a pension to William O. Madison; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. O. Madison, late a private in Company C, Fourth Iowa Infantry, with the right to a pension at the rate of eight dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BERNARD SAILER.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3689) granting a pension to Bernard Sailer; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bernard Sailer, dependent father of Philip Sailer, late a private in the Ninety-eighth New York Volunteers, who was killed in battle September, 1864, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WILLIAM WHITE.

Mr. WALLACE also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2400) granting a pension to William White.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William White, late a private in Company I, Fifth Regiment of Michigan Cavalry Volunteers, to take effect from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PETER CAMPBELL.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 3690) granting a pension to Peter Campbell, late a private in Company G, Sixth Regiment of Maine Volunteers; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter Campbell, late a private of Company G, Sixth Regiment of Maine Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LAVINNA INGRAHAM.

Mr. WALLACE, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 536) granting a pension to Lavinna Ingraham.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lavinna Ingraham, mother of Douglass Ingraham, late private Company F, Third Regiment Nevada Infantry Volunteers, and to pay her a pension from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CHARLES MACARTY.

Mr. WALLACE, from the same committee, reported back the bill (H. R. No. 2095) granting a pension to Charles Macarty, with an amendment of the Senate thereto, and with the recommendation that the amendment of the Senate be concurred in.

The amendment of the Senate was read and concurred in, as follows: Add at the end of the bill the words "at eight dollars per month."

Mr. WALLACE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JAMES BURRIS.

Mr. McJUNKIN, from the same committee, reported a bill (H. R. No. 3691) granting a pension to James Burris, late a private in the Thirty-second Regiment United States Colored Troops, which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Burris, late a private in the Thirty-second Regiment United States Colored Troops, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### HARRIET W. WILKINSON.

Mr. McJUNKIN also, from the same committee, reported a bill (H. R. No. 3692) granting a pension to Harriet W. Wilkinson, widow of Charles Wilkinson, late lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteers; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet W. Wilkinson, widow of Charles Wilkinson, late lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### AARON B. HUGHES.

Mr. McJUNKIN, also from the same committee, reported a bill (H. R. No. 3693) granting a pension to Aaron B. Hughes, late a musician, Company E, One hundred and third Regiment Pennsylvania Volunteers, which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Aaron B. Hughes, late a musician, Company E, One hundred and third Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REBECCA W. TAYLOR.

Mr. MCJUNKIN also, from the same committee, reported a bill (H. R. No. 3694) granting a pension to Rebecca W. Taylor; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca W. Taylor, mother of Charles Frederick Taylor, late colonel of the Forty-second Pennsylvania Volunteers, known as the "Bucktail" or First Pennsylvania Rifle Regiment, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY KORN.

Mr. MCJUNKIN also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2235) granting a pension to Henry Korn, which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Korn, late a private in Company H, One hundred and eighty-eighth Regiment Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZA A. FLAMMANT.

Mr. MCJUNKIN also, from the same committee, reported a bill (H. R. No. 3695) granting a pension to Eliza A. Flammant; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Flammant, widow of Charles F. Flammant, late sergeant of Company H, Eleventh Regiment New York Infantry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY A. HOUGH.

Mr. MCJUNKIN, from the same committee, reported a bill, (H. R. No. 3696) granting a pension to Mary A. Hough; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Hough, widow of Joseph Hough, late sergeant Company B, Sixty-first Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BELINDA CRAIG.

Mr. MCJUNKIN, from the same committee, also reported a bill (H. R. No. 3697) granting a pension to Belinda Craig; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time. The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Belinda Craig, widow of William G. Craig, late a private in the Ninetieth Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM C. DAVIS.

Mr. MCJUNKIN, from the same committee, also reported a bill (H. R. No. 3798) granting a pension to William C. Davis, a private in Company B, Eleventh Regiment Tennessee Cavalry Volunteers; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William C. Davis, a private in Company B, Eleventh Regiment Tennessee Cavalry Volunteers, and that he be paid a pension from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LYDIA SIMPSON.

Mr. MCJUNKIN from the same committee, also reported a bill (H. R. No. 3799) granting a pension to Lydia Simpson; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia Simpson, mother of Nathan J. Simpson and George W. Simpson, late privates in Company D, One hundred and first Regiment New York Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TETER WOLFYOUNG.

Mr. MCJUNKIN, from the same committee, also reported a bill (H. R. No. 3700) granting a pension to Teter Wolfyoung; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Teter Wolfyoung, late a private in Company E, Second Battalion Eighteenth Regiment United States Infantry, at the rate of eight dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIA D. C. BACHE.

Mr. MCJUNKIN, from the same committee, also reported a bill (H. R. No. 3701) granting a pension to Mrs. Maria D. C. Bache, widow of General Hartman Bache, of the United States Army; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-rolls the name of Maria D. C. Bache, widow of General Hartman Bache, deceased, and allow and pay her a pension at the rate of thirty dollars per month, to commence from the passage of the act, and to continue during her widowhood.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALICE ROPER.

Mr. MARTIN, from the same committee, reported a bill (H. R. No. 3702) granting a pension to Alice Roper; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice Roper, widow of Samuel Roper, late a captain of Company K, Fifty-sixth Illinois Infantry Volunteers, and pay her a pension from and after the passage of the act.



The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHERINE LEE.

Mr. MARTIN, from the same committee, also reported a bill (H. R. No. 3703) granting a pension to Catherine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers, from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY E. STEWART.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3704) granting a pension to Mary E. Stewart; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary E. Stewart, widow of Andrew J. Stewart, late lieutenant of Captain Benight's Company, Dent County, Missouri, Home Guards, and pay her a pension as the widow of a second lieutenant and for her children under sixteen years of age from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARTHUR M. LEE.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTHA WOLD.

Mr. MARTIN also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1722) granting a pension to Martha Wold.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Wold, mother of Engeburt Wold, late a private in Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, deceased, and pay her a pension from the date of the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MARGARET H. PITTENGER.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3706) granting a pension to Margaret H. Pittenger; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret H. Pittenger, mother of James D. Pittenger, late a private in Company I, Sixty-fifth Regiment New York Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISA THOMAS.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3707) granting a pension to Louisa Thomas; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa Thomas, widow of Cyrus Thomas, late a private in Company E, One hundred and seventy-sixth Regiment Ohio Infantry Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EUNICE WILSON.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late a private of Company D, Forty-ninth Regiment Illinois Volunteers; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eunice Wilson, mother of John C. Wilson, late a private in Company D, Forty-ninth Regiment Illinois Volunteers, and pay her a pension from the date of the death of her said son.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION CASES REPORTED ADVERSELY.

Mr. MARTIN also, from the same committee, reported back the following bill and petitions; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2709) granting a pension to Sarah M. Bradley; The petition of Benjamin R. Crist, of Warren County, Ohio, asking for a special act granting him a pension; and

The petition of Isaac Harris, late of Company K, Missouri Infantry Volunteers, asking a special act granting him a pension, and that the evidence in his rejected claim be examined.

WILLIAM H. H. BUCH.

Mr. SMALL, from the same committee, reported a bill (H. R. No. 3709) granting a pension to William H. H. Buch; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Buch, First Regiment Vermont Cavalry, and pay him a pension of six dollars a month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY C. MILLS.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 3710) granting a pension to Henry C. Mills; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Mills, late a private Company M, First Regiment Vermont Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTIN D. CHANDLER.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 3711) granting a pension to Martin D. Chandler; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin D. Chandler, late a private Company A, First Vermont Cavalry, Eleventh Regiment Vermont Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## HANNAH E. CURRIE.

Mr. SMALL also, from the same committee, reported back a bill (H. R. No. 1644) granting a pension to Hannah E. Currie, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Hannah E. Currie, mother of Samuel A. Currie, late of the Thirty-third Regiment of Ohio Volunteer Infantry, based on the evidence on file in the office of the Commissioner of Pensions as case numbered 169652.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## STILLMAN C. SPAULDING.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stillman C. Spaulding, Company K, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## CATHARINE A. WINSLOW.

Mr. SMALL also, from the same committee, reported back a bill (H. R. No. 3031) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow, with the recommendation it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Catharine A. Winslow, widow of John A. Winslow, late rear-admiral United States Navy, and pay her a pension at the rate of fifty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MARGARET A. HOFFNER.

Mr. SMALL also, from the same committee, reported back the bill (S. No. 609) granting a pension to Margaret A. Hoffner, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Hoffner, widow of Richard J. Hoffner, who was an acting master in the United States Navy.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 886) to provide for the election of Congressman at large for the State of Michigan; and

The bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes.

The message further informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 3552) providing for publication of the revised statutes of the United States.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House of Representatives to other amendments of the Senate, agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. SARGENT, and Mr. BOGY to be the conferees on the part of the Senate.

## ELIZA A. MAXHAM.

Mr. SMALL, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1227) granting a pension to Eliza A. Maxham, with an amendment by the Senate, with the recommendation that the amendment of the Senate be concurred in.

The amendment was read, as follows:

In line 5 strike out all after the word "month" and insert "from and after the passage of this act."

The amendment of the Senate was concurred in.

Mr. SMALL moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MARY J. BLOOD.

Mr. SMALL also, from the same committee, reported back the bill (H. R. No. 1948) granting a pension to Mary J. Blood, with an amendment by the Senate, with the recommendation that the Senate amendment be concurred in.

The amendment was read, as follows:

Strike out all after the word "month," in line 6, to the end of the bill, namely, these words: "commencing at the death of Samuel A. Blood, 13th November, 1866."

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## SARAH S. COOPER.

Mr. YOUNG, of Kentucky, from the same committee, reported a bill (H. R. No. 3713) granting a pension to Sarah S. Cooper; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Cooper, widow of Major Wycliffe Cooper, Seventh United States Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MINOR CHILDREN OF STANLEY B. SMITH.

Mr. YOUNG, of Kentucky, also, from the same committee, reported a bill (H. R. No. 3714) granting a pension to Moses B. Hardin, guardian of the minor children of Stanley B. Smith; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitation of the pension laws, the name of Moses B. Hardin, guardian of the minor children of Stanley B. Smith, late of Company D, Twenty-seventh regiment Kentucky Infantry Volunteers, and pay him a pension as guardian of said minor or minors from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## SARAH BACON.

Mr. CRITTENDEN, from the same committee, reported a bill (H. R. No. 3715) granting a pension to Sarah Bacon, of Frankfort, Kentucky; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Bacon, of Frankfort, Kentucky, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## NATHAN A. WINTERS.

Mr. CRITTENDEN also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2156) granting a pension to Nathan A. Winters.

The bill, which was read, authorizes and directs the Secretary of the Interior to place the name of Nathan A. Winters, late captain Company K, Fourth Missouri Volunteers, on the pension-roll, and pay him such a pension as his rank and degree of disability would entitle him to receive according to the provisions and limitations of the pension laws.



The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH B. DYER.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer, widow of General Alexander B. Dyer, deceased; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Dyer, widow of General Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army, and pay her a pension at the rate of fifty dollars per month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH McADAMS.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3717) granting a pension to Sarah McAdams; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Sarah McAdams, widow of Samuel G. McAdams, late captain One hundred and thirty-fifth Regiment Illinois Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORNELIA M. ARTHUR.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3781) granting a pension to Cornelia M. Arthur; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelia M. Arthur, widow of Benjamin H. Arthur, late captain First Regiment United States Infantry, and pay to her the additional sum of five dollars per month from the date of its deduction by the Pension-Office, and to pay her a pension of thirty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MATHEW B. WHITACRE.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3719) granting a pension to Mathew B. Whitacre; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mathew B. Whitacre, late a private in Company E, Seventeenth Regiment Ohio Volunteer Militia, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES C. HAIGHT.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3720) granting a pension to Charles C. Haight; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Haight, late sergeant Company G, Sixth Regiment West Virginia Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EZRA C. OWEN.

Mr. CRITTENDEN, from the same committee, also reported a bill (H. R. No. 3721) granting a pension to Ezra C. Owen, private of Company L, seventh Iowa Cavalry, which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ezra C. Owen, private of Company L, Seventh Iowa Cavalry, to date from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES R. BORLAND.

Mr. CRITTENDEN also, from the same committee, reported favorably upon the bill (H. R. No. 2949) granting a pension to James R. Borland.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James R. Borland, of Bureau County, Illinois, at the rate of eight dollars a month, to commence from the date of his discharge from the United States service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JEFFERSON A. FRENCH.

Mr. CRITTENDEN also, from the same committee, reported back favorably Senate bill No. 613, granting a pension to Jefferson A. French.

The question was upon ordering the bill to be read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jefferson A. French, late volunteer lieutenant and first-class pilot in the United States naval service, Mississippi squadron, for total disability, at the rate of \$31.25 a month.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. CRITTENDEN, from the same committee, reported adversely upon the following bill and petitions; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 918) granting a pension to Calvin Hess;

The petition of E. Jacobs, for a pension; and

The petition of Savissa Cole, for back pension.

JOHN FINK.

Mr. O'BRIEN, from the same committee, reported a bill (H. R. No. 3722) granting a pension to John Fink; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Fink, late private in Company G, First Regiment Potomac Home Brigade Maryland Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY LOGSDEN.

Mr. O'BRIEN, from the same committee, also reported a bill (H. R. No. 3723) granting a pension to Mary Logsdan; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Logsdan, widow of Joseph Logsdan, late a private of Company K, Second Regiment Maryland Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MICHAEL QUARRY.

Mr. O'BRIEN also, from the same committee, reported a bill (H. R. No. 3724) granting a pension to Michael Quarry; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Michael Quarry, father of Michael Quarry and Albert Quarry, late privates in Company A, One hundred and ninety-first Regiment Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY ANN EATON.

Mr. O'BRIEN also, from the same committee, reported a bill (H. R. No. 3725) granting a pension to Mary Ann Eaton; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Eaton, mother of William H. Eaton, late a private in the United States Marine Corps, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHARINE H. GALLAGHER.

Mr. O'BRIEN also, from the same committee, reported a bill (H. R. No. 3726) granting a pension to Catharine H. Gallagher; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine H. Gallagher, widow of John Gallagher, deceased, late a captain in the United States Navy, and pay her a pension from and after the passage of the act, at the rate of fifty dollars per month.

Mr. ARCHER. I move to amend this bill by striking out all after the words "pay her a pension," and inserting in lieu thereof the words "from January 1, 1871, at the rate of fifty dollars per month, provided that the amount of pension received by her from January 1, 1871, shall be deducted therefrom."

Mr. O'BRIEN. As this amendment follows the precedents which have been established by the House in other cases, I am authorized to say that the committee are willing that it should be adopted.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN M. ALLEN.

Mr. SMART, from the same committee, reported a bill (H. R. No. 3727) granting a pension to John M. Allen; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Allen, late a private in Company G, One hundred and seventy-sixth Regiment New York Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE STATUTES.

Mr. POLAND. I ask unanimous consent to make a statement. Several days ago we passed a bill (H. R. No. 3652) providing for publication of the revised statutes of the United States. The bill was also passed by the Senate; but subsequently that body asked its return, and then passed it with some amendments. The Secretary of State thinks it necessary that these amendments should be concurred in and the bill become a law to-day, in order to prevent the necessity of publishing the entire revision of the statutes in the news-

papers. The amendments made by the Senate do not differ materially from the bill passed by the House except that they provide for the abrogation of the contract made several years ago with Little, Brown & Co., of Boston, for the publication of the laws. The contract provided that Congress might at any time put an end to it; and the difficulty with the Senate committee was that they thought we had no right to provide for the publication of the revised statutes at the Congressional Printing Office unless we entirely abrogated the contract with Little, Brown & Co. Hence the Senate has inserted a provision abrogating that contract, and providing that the laws hereafter shall be published at the Congressional Printing Office. I desire to have the House concur in these amendments of the Senate.

Mr. COTTON. Is this matter in order to-night?

Mr. POLAND. I think it is, if nobody objects.

There being no objection, the amendments of the Senate were concurred in.

Mr. POLAND moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE CHORPENNING.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported back from the Committee on the Judiciary the bill (H. R. No. 3534) to remit the claims of George Chorpennning against the United States to the jurisdiction of the Court of Claims; which was referred to the Committee of the Whole on the Private Calendar.

STEPHEN WEATHERLOW.

Mr. SMART, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Weatherlow, and to pay him a pension at the rate of twenty-four dollars per month from the date of the act; the pension to be in lieu of that now drawn by him.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH V. CARTWRIGHT.

Mr. SMART also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1241) restoring to the pension-roll the name of Joseph V. Cartwright.

The bill directs the Secretary of the Interior to restore to the pension-roll the name of Joseph V. Cartwright, an imbecile son of Joseph Cartwright, deceased, a private in Company F, One hundred and twenty-third Regiment New York State Volunteers, and to pay him a pension at the rate of ——— dollars per month, dating back from the time his name was dropped from the pension-roll.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABBY A. DIKE.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 3728) granting a pension to Abby A. Dike; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Abby A. Dike, widow of John H. Dike, late captain Company I, Sixth Massachusetts State troops, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANN ELIZA BROWN.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 3729) granting a pension to Ann Eliza Brown; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Eliza Brown, widow of Colonel Harvey A. Brown, brevet major-general United States Army, at the rate of thirty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was



passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ADVERSE REPORTS.

Mr. SMART also, from the same committee, reported back adversely the following cases; which were laid on the table:

A bill (H. R. No. 2222) granting a pension to Elizabeth Coon;

The petition of Buford Webb; and

The petition of James S. Cutbush.

#### HENRY B. BURGAR.

Mr. BARRY, from the same committee, reported back a bill (H. R. No. 2504) granting a pension to Henry B. Burgar, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Burgar, late a private in Company K, Fourth Regiment Minnesota Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WASHINGTON A. HOLLOWAY.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3730) granting an increase of pension to Washington A. Holloway; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Washington A. Holloway, late a soldier in Company —, Second Regiment Wisconsin Cavalry, and pay him eight dollars instead of four dollars a month now paid him.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGET COLLINS.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3731) granting a pension to Bridget Collins; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bridget Collins, widow of John Collins, late a private Company I, Seventeenth Regiment United States Infantry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### O. G. VAN DUSEN.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3732) granting a pension to O. G. Van Dusen, guardian of the minor child of Reuben M. Pratt; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of O. G. Van Dusen, guardian of the minor child of Reuben M. Pratt, late of Company H, Sixth Regiment Pennsylvania Volunteer Reserve Corps Infantry, and pay him a pension at the rate of fifteen dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PRINTING OF REPORTS.

Mr. RUSK. I move that the several reports accompanying the pension bills disposed of by the House this evening be printed.

The motion was agreed to.

#### NATIONAL MILITARY HOMES.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, with the recommendation that the committee be discharged from the further consideration of the same, and that it be laid on the table, the resolution referred to the committee on the 4th of April, 1874, instructing the committee to inquire whether the system adopted by the board of managers for the National Military Homes for Disabled Volunteer Soldiers of deducting any fines and forfeitures imposed on any of the beneficiaries of the institutions for alleged breaches

of discipline are in accordance with the spirit and meaning of the pension laws, and whether any such fines can legally be deducted from the monthly pay of the said pensioners.

Mr. RUSK. I move that the committee be discharged from the further consideration of the resolution, that it be laid on the table, and that the accompanying report be printed.

Mr. O'BRIEN. I understand that the report is very short, and I ask that it may be printed in the RECORD.

Mr. RUSK. That is not necessary.

The motion of Mr. RUSK was agreed to.

Mr. RUSK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PENSION BILLS ON PRIVATE CALENDAR.

Mr. RUSK. I ask that by unanimous consent the House proceed to the consideration of pension bills on the Private Calendar. I move that the Committee of the Whole be discharged from the further consideration of the bills reported by the Committee on Invalid Pensions which are on the Private Calendar, and that they be now brought before the House for consideration. The resolution under which this session of the House is held covers that point.

Mr. HAWLEY, of Illinois. I ask the gentleman before making that motion to allow the committees to be called for reports of a private nature.

Mr. RUSK. There are only a few pension bills on the Private Calendar and it will take but a short time to dispose of them.

The SPEAKER *pro tempore*. The resolution for the session this evening provides for the consideration of reports made and to be made by the Committee on Invalid Pensions.

There being no objection, the motion of Mr. RUSK was agreed to; and the pension bills on the Private Calendar were brought before the House for consideration.

#### ELIZABETH M'CLUNEY.

The first pension bill on the Private Calendar was the bill (H. R. No. 2119) for the relief of Elizabeth McCluney.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, pursuant to the provisions of law in force prior to the act of July 14, 1862, and at the pension rate of fifty dollars per month, the name of Elizabeth McCluney, widow of Commodore William J. McCluney, late of the United States Navy.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

#### MRS. MARY G. HARRIS.

The next pension bill on the Private Calendar was the bill (H. R. No. 2677) granting a pension to Mrs. Mary G. Harris, widow of John Harris, late commandant of the United States Marine Corps.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary G. Harris, widow of John Harris, late commandant of the United States Marine Corps, and pay her a pension at the rate of fifty dollars a month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### HARRIET LEONARD.

The next pension bill on the Private Calendar was the bill (H. R. No. 3190) granting a pension to Harriet Leonard.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet Leonard, widow of William P. Leonard, late first lieutenant in Company E, Sixty-eighth Regiment of Pennsylvania Volunteers and afterward lieutenant of Sixty-eighth Company, Second Battalion Veteran Reserve Corps, and pay her a pension from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ELIZABETH BRANNIX.

The next pension bill on the Private Calendar was the bill (H. R. No. 3191) granting a pension to Elizabeth Brannix.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Brannix, widow of George H. Brannix, late captain Company M, Third Regiment Pennsylvania Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.  
Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MINOR CHILDREN OF J. A. BREWER.

The next pension bill on the Private Calendar was the bill (H. R. No. 3192) granting a pension to the minor children of J. A. Brewer.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Ada M. Brewer, Charles F. Brewer, and James M. Brewer, minor children of J. A. Brewer, late a private in Company A, Seventieth Regiment Ohio Volunteer Infantry, and pay them a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WILLIAM H. BLAIR.

The next pension bill on the Private Calendar was the bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868.

The bill, which was read, repeals the act granting a pension to William H. Blair, late a private in Company G, Twelfth Regiment Maine Volunteers, approved July 27, 1868.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ELIZABETH TIPTON.

The next pension bill on the Private Calendar was the bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Tipton, of Washington County, Tennessee, widow of Stephen Tipton, deceased, late a private of Company M, Eighth Tennessee Cavalry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### RACHAEL W. PHILLIPS.

The next pension bill on the Private Calendar was the bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachael Phillips, widow of Gilbert Phillips, late a private in Company D, Thirty-eighth Regiment Wisconsin Volunteers, transferred to Company A, Twentieth Regiment Veteran Reserve Corps, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JOHN S. CORLETT.

The next pension bill on the Private Calendar was the bill (H. R. No. 3274) granting a pension to John S. Corlett.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Corlett, late a teamster in the service of the United States, and to pay him the pension of a private from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

#### ELI PERSONS.

The next pension bill on the Private Calendar was the bill (H. R. No. 3275) granting a pension to Eli Persons.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eli Persons, late a private in Company K, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.  
Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### DAVENPORT DOWNS.

The next pension bill on the Private Calendar was the bill (H. R. No. 3276) granting a pension to Davenport Downs.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Davenport Downs, late a private in Company C, Fifth Regiment Iowa Volunteers, and to pay to him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MRS. MARTHA R. ROBINSON.

The next pension bill on the Private Calendar was the bill (H. R. No. 1183) granting a pension to Mrs. Martha R. Robinson.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha R. Robinson, widow of Major Joshua V. Robinson, late of the Thirty-third Regiment Ohio Volunteer Infantry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### EMILY PHILLIPS.

The next pension bill on the Private Calendar was the bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Phillips, widow of Martin Phillips, late a corporal of Company H, Fifty-sixth Ohio Volunteer Infantry, upon evidence already furnished the Commissioner of Pensions in her claim, No. 196,451.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ROBERT D. JONES.

The next pension bill upon the Private Calendar was the bill (H. R. No. 3277) granting a pension to Robert D. Jones.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert D. Jones, late a private in Company B, Third Regiment of Pennsylvania Reserves, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MARGARET BEELER.

The next pension bill upon the Private Calendar was the bill (H. R. No. 3278) granting a pension to Margaret Beeler.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Beeler, widow of Peter Beeler, late a private in Company A, Twelfth Regiment Tennessee Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

#### SALEM P. ROSE.

The next pension bill upon the Private Calendar was the bill (H. R.



No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts.

The bill was reported from the Committee on Invalid Pensions with an amendment.

The bill, as amended, directs the Secretary of the Interior to place upon the pension-roll the name of Salem P. Rose, of North Adams, Massachusetts, late a private in Company F, Twenty-seventh Regiment Massachusetts Volunteers, and pay him a pension from and after the passage of the act.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMILY L. SLAUGHTER.

The next pension bill upon the Private Calendar was the bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Emily L. Slaughter, widow of Albert G. Slaughter, commander United States Navy, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY W. SHIRK.

The next pension bill upon the Private Calendar was the bill (H. R. No. 3427) granting an increase of pension to Mary W. Shirk, widow of James W. Shirk, deceased, late commander in the United States Navy.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the pension of thirty-six dollars a month now allowed to Mary W. Shirk and her children, the widow and children of James W. Shirk, deceased, late commander in the United States Navy, be increased in the sum of fourteen dollars a month, making the pension at the rate of fifty dollars a month, to be paid from the interest on the Navy-pension fund, and to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINOR HEIRS OF JOHN H. EVANS.

The last pension bill upon the Private Calendar was a bill (H. R. No. 2254) granting a pension to the minor children of John H. Evans.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor heirs of John H. Evans, deceased, late a private in company A, Third Regiment of Tennessee Cavalry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMENCEMENT OF PENSIONS.

Mr. RUSK. I now ask that the Committee of the Whole be discharged from the further consideration of House bill No. 674 for the purpose of being considered in the House. It is a bill to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1875, shall commence from the date of death or discharge, and for the payment of the arrears of pensions.

Mr. STORM. Do I understand that this bill is on the Private Calendar?

The SPEAKER *pro tempore*. It is not.

Mr. STORM. Then I object. Under the order with reference to the business this evening I submit that we have no right to consider this bill.

Mr. RUSK. I ask for the reading of the bill.

The bill was read. It provides in the first section that all pensions which have been, or may hereafter be, granted in consequence of death occurring from a cause which originated in the service of the United States since the 4th day of March, 1861, or in consequence of

wounds or injuries received or disease contracted since said date, shall commence from the date of the death or discharge from the United States service of the person on whose account the claim has been, or shall hereafter be, granted, or from the termination of the right of the party having prior title such pension; provided that the application for such pension has been, or shall hereafter be, filed with the Commissioner of Pensions on or before the 1st day of January, 1875; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. The limitation herein prescribed is not to apply to claims by or in behalf of insane persons or minor children of deceased soldiers.

The second section provides that immediately upon the passage of the act the Commissioner of Pensions shall cause a copy of the same to be furnished each pension agent, whose duty it shall be to notify each pensioner upon his roll who shall be entitled to arrears of pension under the act, and it shall be the further duty of the Commissioner of Pensions to pay, or caused to be paid, to such pensioners, or, if the pensioner shall have died, to the person or persons entitled to the same, all such arrears of pensions as the pensioner may be entitled to, or if dead would have been entitled to under the provisions of the first section of the act had he or she survived.

Mr. RICE. I move that this bill be laid on the table.

Mr. RUSK. I do not yield. Mr. Speaker, it is hardly worth while to explain this bill. I presume it is understood by the members of the House.

Mr. STORM. Yes, sir; we all understand it.

Mr. RUSK. If the House will agree to order the previous question to-night, I will allow the vote to be taken in the morning without any debate.

Several MEMBERS. O, no.

Mr. HAYS. I would like to ask a question.

Mr. RUSK. Mr. Speaker, if the previous question is ordered to-night, will not this bill be pending in the morning?

The SPEAKER *pro tempore*. This evening was set apart specially for the consideration of reports from the Committee on Invalid Pensions. In the opinion of the Chair it will require a motion to suspend the rules to consider this bill at any time hereafter.

Mr. HOLMAN. I hope that the gentleman from Wisconsin [Mr. RUSK] will insist on having the bill acted upon to-night. It is clear that if it goes over it will not come up to-morrow as unfinished business.

Mr. BECK. I wish to make a parliamentary inquiry.

Mr. HAWLEY, of Illinois. I wish to make a suggestion to the gentleman from Wisconsin, [Mr. RUSK.] This evening was set apart not only for reports of his committee, but for reports of other committees; and—

Mr. BECK. I insist on my point of order. I submit that this bill is not a private pension bill, and does not properly come within the business for which the session of to-night was ordered.

The SPEAKER *pro tempore*. The Chair will examine the resolution under which the session of this evening was ordered.

Mr. HOLMAN. It was for reports generally from the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. The Chair is informed by the gentleman who wrote the order that under it reports from this committee are in order without regard to whether they are private or public. This bill is therefore in order.

Mr. KILLINGER. Let the order for this evening's session be read.

Mr. PARKER, of New Hampshire. This bill will take \$10,000,000 out of the Treasury.

Mr. RUSK. What difference if it takes \$50,000,000 out of the Treasury? If our crippled soldiers are entitled to this money, why should we refuse to pay it to them?

Mr. BECK. I move that the House adjourn.

Mr. RUSK. Perhaps gentlemen do not understand what this bill is. It is to pay our crippled soldiers what we owe them. That is all.

The SPEAKER *pro tempore*. On ordering the bill to be engrossed and read a third time, the gentleman from Wisconsin [Mr. RUSK] has called for the previous question, pending which the gentleman from Kentucky [Mr. BECK] moves that the House adjourn.

Mr. HAWLEY, of Illinois. I ask the gentleman from Wisconsin to withdraw this bill until the other committees have reported.

The question being taken on the motion of Mr. BECK, that the House adjourn, there were—ayes 45, noes 88.

Mr. BECK called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and upon a division there were—yeas 46, nays 106, not voting 137; as follows:

YEAS—Messrs. Archer, Ashe, Atkins, Beck, Bell, Berry, Blount, Bromberg, Brown, Burleigh, Caldwell, John B. Clark, Jr., Clymer, Coningo, Cook, Creamer, Crooke, Crossland, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, Joseph R. Hawley, Kellogg, Killinger, Lamar, Lawson, Lofland, Magee, McKee, Merriam, Milliken, Neal, O'Brien, Hosea W. Parker, Phillips, Thomas C. Platt, Robbins, James C. Robinson, H. Boardman Smith, Storm, Whitthorne, Charles W. Willard, and Ephraim K. Wilson—46.

NAYS—Messrs. Albert, Albright, Banning, Barrere, Barry, Biery, Bradley, Bright, Buckner, Buffinton, Bundy, Burchard Burrows, Roderick B. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, Jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crounse, Danford, Darrall, Dobbins, Donnan, Dunne, Eames, Field, Fort, Frye, Gunkel, Hagans, John T. Harris, Harrison, Hatcher, John B. Hawley, Hays, Hendee, Hereford, E. Rockwood Hoar, Hodges, Holman, Howe, Hubbell, Hutton, Hyde, Knapp, Lawrence, Lowe, Lowndes, Martin, McCrary, Alexander S. McGill, MacDougall, McJunkin, Morrison, Myers, Niblack,

Niles, Nunn, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Rapier, Ray, Rice, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Scofield, Isaac W. Seudford, Sheats, Sheldon, Sherwood, Sloan, Sloss, Small, A. Herr Smith, Sprague, Standiford, Starkweather, Strait, Strawbridge, Thornburgh, Waldron, Wallace, Jasper D. Ward, Whitehead, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and John D. Young—106.

NOT VOTING—Messrs. Adams, Arthur, Averill, Barber, Barnum, Bass, Begole, Bland, Bowen, Benjamin F. Butler, Freeman Clarke, Clayton, Coburn, Cox, Crittenden, Crocker, Crutchfield, Curtis, Davis, Dawes, DeWitt, Duell, Durham, Eden, Eldredge, Elliott, Farwell, Foster, Freeman, Garfield, Gooch, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, Gerry W. Hazelton, John W. Hazelton, Herndon, Hersey, George F. Hoar, Hooper, Hoskins, Houghton, Hunter, Hurlbut, Hynes, Jewett, Kasson, Kelley, Kendall, Lamson, Lampont, Lansing, Leach, Lewis, Loughbridge, Luttrell, Lynch, Marshall, Maynard, James W. McDill, McLean, McNulta, Mills, Mitchell, Monroe, Moore, Morey, Negley, Nesmith, Orth, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, Jr., Poland, Potter, Pratt, Parman, Rainey, Randall, Ransier, Read, Richmond, Ellis H. Roberts, William R. Roberts, John G. Schumaker, Henry J. Scudder, Sener, Sessions, Shanks, Lazarus D. Shoemaker, Smart, George L. Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Stanard, Stephens, St. John, Stone, Stowell, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Wells, Marcus L. Ward, Wells, Wheeler, White, Whitehouse, Whiteley, Wilber, Willie, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and Pierce M. B. Young—137.

So the House refused to adjourn.

During the roll-call,

Mr. WHITEHEAD stated that his colleague, Mr. BOWEN, was detained at home by illness.

Mr. NEAL stated this his colleague, Mr. SOUTHARD, was detained at home by illness.

Mr. COMINGO stated that his colleague, Mr. WELLS, was indisposed, and unable to be present this evening.

The vote was then announced as above recorded.

Mr. STORM. I move that the bill be laid on the table.

Mr. BECK. I move that when the House adjourns to-night it adjourn to meet on Thursday next.

Mr. RUSK. I hope that motion will not be insisted on.

Mr. BECK. I will move instead of adjourning that the House now take a recess until ten o'clock to-morrow morning, and on that motion I demand the yeas and nays.

Mr. FORT. I hope gentlemen can be accommodated in reference to this bill so that it may go over until to-morrow morning.

Mr. BECK. It was not the understanding that anything but private bills should be reported this evening. There are nearly one hundred members absent, and it is not fair to call up this bill this evening.

Mr. RUSK. If gentlemen will consent that a vote shall be taken in the morning, I will withdraw the bill.

The SPEAKER *pro tempore*. Gentlemen object to debate.

Mr. RUSK. Is a motion to suspend the rules and pass the bill now in order?

The SPEAKER *pro tempore*. It is not, pending a motion to take a recess.

Mr. HOLMAN. I ask unanimous consent to make an explanation.

Mr. ALBRIGHT. I object.

Mr. HOLMAN. I rise to a parliamentary inquiry, whether the gentleman from Wisconsin can not withdraw his bill and to-morrow move to suspend the rules and pass it?

Mr. BECK. I have no objection to that.

Mr. STORM. That is fair, and we can then have a vote on the bill in a full House.

The SPEAKER *pro tempore*. If the gentleman will withdraw his bill with that understanding the House can proceed to receive reports of a private nature from the standing committees of the House under the order made this morning.

Mr. RUSK. I am willing to accommodate the House about this matter. If the opponents of this bill will agree to give us a fair, and square vote on it to-morrow morning, I will withdraw it.

The SPEAKER *pro tempore*. The Chair hears no objection to that arrangement, that the gentleman from Wisconsin may be permitted to-morrow to suspend the rules and pass the bill.

Mr. BECK. He can do that anyhow.

RUSK. I give notice that I mean to bring it before the House even-handed. We can suspend the rules by a two-thirds vote and pass the bill, and we do not ask our enemies consent to do that.

The SPEAKER *pro tempore*. Does the gentleman withdraw his bill?

Mr. RUSK. No; I do not withdraw it.

The SPEAKER *pro tempore*. Then the pending question is on the motion of the gentleman from Kentucky that the House take a recess until to-morrow morning at ten o'clock.

Mr. BECK. I withdraw that and move the House do now adjourn.

Mr. RUSK. If we take a recess until ten o'clock to-morrow morning will this come up as unfinished business?

The SPEAKER *pro tempore*. It will not.

Mr. RUSK. Will it at eleven o'clock?

The SPEAKER *pro tempore*. It will not.

The House divided on the motion to adjourn; and there were—ayes 60, noes 50.

Mr. RUSK demanded the yeas and nays.

The yeas and nays were ordered.

Mr. RUSK. I will withdraw the bill and give notice that I will move to suspend the rules and pass it to-morrow morning.

The SPEAKER *pro tempore*. Reports of a private nature are in order from the standing committees of the House.

Mr. CLEMENTS. How do we lose the yeas and nays on the motion to adjourn?

The SPEAKER *pro tempore*. The Chair supposed, the bill being withdrawn, the gentleman from Kentucky withdrew his motion to adjourn.

Mr. BECK. I do withdraw the motion to adjourn.

Mr. CLYMER. I renew it.

The House divided; and there were—ayes 30, noes 73.

Mr. CLYMER demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

#### REPORTS FROM COMMITTEES.

The SPEAKER *pro tempore*. Reports of a private nature are now in order from the standing committees of the House under the order made this morning. Reports are first in order from the Committee on Elections.

E. AND J. KOCH.

Mr. SHELDON, from the Committee on Ways and Means, reported back, with the recommendation that it do pass, the bill (S. No. 552) to refund to E. and J. Koch certain customs duties; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### REPORTS FROM COMMITTEE ON CLAIMS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported back the bill (H. R. No. 3301) for the payment of \$800 to Milton Kennedy, for services on the steamboat Piketon, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

Mr. WILLARD, of Vermont. I do not desire to be overcautious, but I understood that committees were to be called merely for reference to bills of the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. That was the order of the House, and reports for other purposes can only be received by unanimous consent.

Mr. WILLARD, of Vermont. I do not insist on my objection.

The Committee on Claims was discharged from further consideration of the bill, and it was referred to the Committee on War Claims.

Mr. HAWLEY, of Illinois, also, from the Committee on Claims, reported back the following memorials and bills; and the committee was discharged from the further consideration of the same, and they were severally referred to the Committee on War Claims, and the accompanying reports ordered to be printed:

The memorial of William H. Curran;

The bill (H. R. No. 3364) for the relief of Rachael Turrentine, Charity W. Turrentine, *et al.*;

The bill (H. R. No. 2467) to reimburse the Judson Female College, in Henderson County, North Carolina, for damages sustained from United States troops, after the close of the war between the States;

The petition of Charlotte A. Van Corte;

The bill (H. R. No. 3647) for the relief of Mrs. Maria Waits, of New Orleans, Louisiana;

The bill (H. R. No. 3649) for the relief of J. B. Prean;

A bill to reimburse Robert Clarke; and

The memorial of William Mason, of Taunton, Massachusetts.

Mr. HAWLEY, of Illinois, also, from the same committee, reported a bill (H. R. No. 3733) for the relief of Sarah Morrison, administratrix of the estate of Christian D. Morrison, deceased; which was read a first and second time.

Mr. HAWLEY, of Illinois. I ask that the bill may be referred to the Committee of the Whole on the Private Calendar.

Mr. STORM. I call for the reading of that bill.

Mr. HOLMAN. I rise to a question of order. The order of the House was that the several committees should be called for reports on private bills to be referred without action by the House to the Committee of the Whole on the Private Calendar. I submit that under that order it is not in order to call for the reading of these bills.

Mr. HAWLEY, of Illinois. I wish also to suggest that each one of these bills is accompanied by a report which will be printed. The bills are not reported for action at the present time but simply for reference, and I submit that there is no necessity for their being read.

The SPEAKER *pro tempore*. The Chair is obliged to overrule the point of order. What the gentleman from Indiana and the gentleman from Illinois have stated may be a good argument why the bills should not be read, but the gentleman from Pennsylvania [Mr. STORM] has his right and is entitled to call for the reading.

The bill was read at length, and was referred to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois, also, from the same committee, reported a bill (H. R. No. 3734) for the relief of William R. Hervey, of Louisville, Kentucky; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims;



and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DUNNELL, from the same committee, reported a bill (H. R. No. 3735) for the relief of Anna W. Osborne; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved April 3, 1873; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 597) for the relief of William A. Griffin; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported adversely on the memorial of Joseph San Roman, of Cameron County, Texas; and the same was laid on the table, and, with the accompanying report, ordered to be printed.

Mr. SMITH, of Ohio, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3739) for the relief of Thomas Lynch and others, of the city of Chicago; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2260) for the relief of James G. Harrison, a citizen of Indiana; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2195) for the relief of workmen employed in the construction of Poverty Island light-house, Lake Michigan; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. SMITH, of Ohio. I desire to make an adverse report from the same committee.

Mr. BUTLER, of Tennessee. I rise to a point of order. Can an adverse report be entertained under the resolution under which the House is acting?

The SPEAKER *pro tempore*. The Chair is of opinion that it can.

Mr. BUTLER, of Tennessee. From any other committee except the Committee on Invalid Pensions?

The SPEAKER *pro tempore*. The order in relation to the Committee on Invalid Pensions has been executed, and the second branch of the order is now being carried out.

Mr. BUTLER, of Tennessee. What is that?

The SPEAKER *pro tempore*. That after that order was executed all the standing committees should be called for private bills for reference to the Private Calendar.

Mr. BUTLER, of Tennessee. But this is not for reference to the Private Calendar. The gentleman proposes to make an adverse report.

The SPEAKER *pro tempore*. The gentleman from Tennessee himself not long since made objection to a bill reported adversely being laid upon the table, and the Chair ruled that that objection sent the bill to the Private Calendar.

Mr. BUTLER, of Tennessee. I am very well aware of that; but I do not make objection in this case.

Mr. STORM. Suppose objection is not made?

The SPEAKER *pro tempore*. Very well; then the report would be laid upon the table.

Mr. HOWE also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2750) for the relief of Peter P. Marston; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2304) for the relief of Andrew J. Barrett; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2503) for the payment of certain Indian war bonds of the State of California; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3737) for the relief of N. H. Ryan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HAMILTON, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1901) for the relief of F. B. Stewart; and the same was laid upon the table, and, with the accompanying report, ordered to be printed.

Mr. HAMILTON, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3208) for the relief of John Henderson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3738) for the relief of Simon M. Preston, late collector of internal revenue for the first collection district of Mississippi; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### REPORTS FROM THE COMMITTEE ON WAR CLAIMS.

Mr. LAWRENCE, from the Committee on War Claims, made an adverse report on the petition of Francis A. Gibbons; and the same was laid on the table, and, with the accompanying report, ordered to be printed.

Mr. ATKINS. I move that the House do now adjourn.

Mr. LAWRENCE. O, no; let us get these reports in.

Mr. ATKINS. There is not a quorum present.

Mr. LAWRENCE. The reports are only for reference.

Mr. ATKINS. Very well; I withdraw the motion.

Mr. LAWRENCE also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 2638) asking compensation for wood taken for public use of troops of the United States near Fort Craig, New Mexico; which was laid upon the table, and, with the accompanying report, ordered to be printed.

Mr. LAWRENCE also, from the same committee, reported adversely upon the following; and they were laid upon the table, and the accompanying reports were ordered to be printed:

The claim of R. F. Graves; and

The claim of Gideon J. Pillow.

Mr. BUTLER, of Tennessee. Is a motion to adjourn now in order?

The SPEAKER *pro tempore*. It is.

Mr. BUTLER, of Tennessee. Then I make that motion.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 44, noes 34.

Mr. LOUGHRIDGE. I call for tellers.

Mr. BUTLER, of Tennessee. If gentlemen will withhold their adverse reports I will withdraw the motion to adjourn.

Mr. LAWRENCE. I do not make any such agreement.

Mr. BUTLER, of Tennessee. Then we will adjourn.

Tellers were ordered; and Mr. BUTLER, of Tennessee, and Mr. LAWRENCE were appointed.

The House again divided; and the tellers reported that there were—ayes 30, noes 33.

Before the result of this vote was announced,

Mr. LAMAR called for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, there being thirty in the affirmative, more than one-fifth of the last vote.

The SPEAKER *pro tempore*. The question was upon the motion to adjourn, upon which the yeas and nays have been ordered.

Mr. HOLMAN. It is very manifest that there is no quorum present, and of course there is no necessity for our consuming time by calling the yeas and nays. I move to reconsider the vote by which the yeas and nays were called, for the purpose of having the vote again taken upon the motion to adjourn. I think we had better adjourn now.

The vote ordering the yeas and nays was then reconsidered.

The question was again taken upon the motion to adjourn, and it was agreed to; and accordingly (at ten o'clock and thirty-five minutes, p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUCKNER: The memorial of the board of president and directors of the Saint Louis public schools, remonstrating against the passage of any law which shall enforce the establishment of schools common to both the white and colored races, to the Committee on the Judiciary.

By Mr. CLYMER: The remonstrance of bankers and business men of Reading and Berks County, Pennsylvania, against the passage of the twenty-ninth section of the tariff bill, which imposes a tax on sales of stocks, bonds, bullion, coin, and other securities, to the Committee on Ways and Means.

By Mr. HARRIS, of Virginia: The petition of Z. W. Pickerrill, of Petersburg, Virginia, to be compensated for tobacco taken by United States troops, to the Committee on War Claims.

By Mr. RICHMOND: The petition of Nathaniel Carey, for an appropriation to test his invention for producing rain by artificial means, to the Committee on Appropriations.

By Mr. SENER: The petition of owners of steamers and sailing-vessels plying Chesapeake Bay, for the erection of a light-house on the eastern terminus of Dammeron's Marsh, in said bay, to the Committee on Commerce.

Also, the petition of Mrs. Triffy Evans, of Accomac County, Virginia, for compensation for sloop Georgeanna and schooner Sea Flower, seized by the naval forces of the United States in 1862, to the Committee on War Claims.

By Mr. SESSIONS: The petition of W. T. Duvall, for relief on contract with the Supervising Architect of the Treasury, to the Committee on Public Buildings and Grounds.

By Mr. SHANKS: The petition of citizens of Montpelier, Blackford County, Indiana, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. VANCE: The petition of G. W. Hayes and 41 other citizens of Cherokee County, North Carolina, asking aid in building the Western North Carolina Railroad from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

By Mr. WHITTHORNE: The petition of George N. Stine and 76 others, of Dickson County, Tennessee, for the restoration of the 10 per cent. reduction of duties on iron and steel, and for free banking, to the Committee on Ways and Means.

By Mr. WOODWORTH: The petition of the Girard Iron Company and 154 other persons and business firms, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

## IN SENATE.

WEDNESDAY, June 17, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

### HUDSON'S BAY COMPANY.

Mr. HAMLIN. I ask permission of the Senate to allow me to call up House bill No. 3351. It will take but a very few minutes, and it fulfills an obligation which is imposed on this body that I am sure no Senator will disregard.

There being no objection, the bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May 8, 1871, and for other purposes, was considered as in Committee of the Whole.

The preamble recites that it was stipulated by article 1 of the treaty concluded at Washington on the 15th of June, 1846, between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude, up to which it had already been ascertained, should be continued westward along that parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean;" and that by article 3 of that treaty it was stipulated that "in the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said Territory, shall be respected;" and that by article 34 of the treaty concluded at Washington on the 8th of May, 1871, the question of where "the boundary which runs southerly through the middle of the channel aforesaid" should be located was submitted to His Majesty the Emperor of Germany, whose decision was to be final and without appeal; and that by the award of His Majesty the Emperor of Germany, of October 21, 1872, the boundary was established, and it now devolves upon the United States to discharge its treaty obligations. Therefore the bill provides for the appointment of a commissioner by the President of the United States to make and report to the Secretary of the Interior a list of all British subjects who, on the 15th day of June, 1846, were in the occupation of land, lawfully acquired, within the limits which were the subject of the award of His Majesty the Emperor of Germany, together with a description of the land actually occupied by each at that date. The commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land and of the mode by which such occupancy was acquired, after first giving reasonable notice as to the matters to be reported by him. Such proof shall consist of oral testimony, under oath, and such documentary proofs as the occupants

may present. The testimony of all witnesses shall be reduced to writing, and all documentary proof offered by the parties and received by the commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by the commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final.

The commissioner is to receive for his services ten dollars per diem, together with traveling expenses at the rate of ten cents per mile for the distance actually traveled in the execution of his commission; and the sum of \$1,000 is appropriated to defray such expenses.

All British subjects whose claims shall be approved by the Secretary are to be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at double minimum price where the lands are within railroad limits. Such entries are to be according to legal subdivisions, so as to include the improvements of the occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof. In case entry and payment be not made within one year from the date of such approval by the Secretary of the Interior, all possessory rights named in article 3 of the treaty of June 15, 1846, shall be considered forfeited, and the lands shall thereafter be deemed and treated as a part of the public domain, to be disposed of as other lands.

Mr. THURMAN. This may be right, but I should like to ask the Senator from Maine a question about it. By the treaty commonly called the Oregon treaty of 1846 it was provided that—

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

After the execution of that treaty the Government of the United States settled with the Hudson's Bay Company and obtained a release; and the question that I wish to have answered is whether that release covers this island which we always claimed after the execution of that treaty, but which was not finally determined to be ours until the Emperor of Germany made his award, or whether the release of the Hudson's Bay Company for which we paid a pretty round sum, and a great deal more in my humble judgment than that company was entitled to, was limited to that territory which was not disputed between us and Great Britain? If these islands which were in dispute were excepted from that release, then it seems but right and in fact we are bound by the treaty to respect those rights or to make some compensation or in some other way to extinguish them. But if they are embraced by the release which was executed to us by the Hudson's Bay Company, then that company can have no further claim.

Mr. HAMLIN. In reply to the inquiry or suggestion made by the Senator from Ohio, I will say that I understand our Government and I understand the British government do not regard the lands lying outside of the line named in the treaty of Washington, so called, as included in the release. In other words, this bill does not cover any of the lands named by the Senator for which compensation has been made. It understood by our Government. It is so understood by the British government. This bill is only to carry out the provisions of the treaty of Washington as understood by the respective parties. None of the land covered by this bill was at all affected in the settlement which was formally made, and therefore the bill is eminently just. I will add that the bill was carefully drawn at the State Department where all the facts were known; it underwent a careful inspection by the Committee on Foreign Relations and received their unanimous approval.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

### ADDITIONAL LAND DISTRICTS IN KANSAS.

Mr. HARVEY. The Committee on Public Lands, to whom was referred the bill (H. R. No. 203) to create two additional land districts in the State of Kansas, have had the same under consideration and have instructed me to report it back without amendment; and I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

### NAME OF A YACHT.

Mr. WASHBURN. There are two little bills on the Calendar that will take but a moment which I should like to have considered. The first is House bill No. 2384.

By unanimous consent, the bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

### MARY S. HOWE.

Mr. WASHBURN. I ask for the consideration of House bill No. 2670.



By unanimous consent, the bill (H. R. No. 2370) granting a pension to Mary S. Howe was considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Howe, widow of David Howe, late special agent of the provost marshal's office for the fourth district of Massachusetts, and to pay her a pension at the rate of eight dollars a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### WYOMING TERRITORIAL APPORTIONMENT.

Mr. HITCHCOCK. There are a couple of bills reported by the Committee on Territories to which there will be no objection, and I should like to have them disposed of. I ask first for the consideration of House bill No. 2450.

There being no objection, the bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes was considered as in Committee of the Whole. It provides that the apportionment of the Territory of Wyoming for the election of members of the next Legislative Assembly of the Territory shall be made by the governor thereof, in accordance with the provisions of an act of Congress entitled "An act to provide a temporary government for the Territory of Wyoming," approved July 25, 1868; but for the purpose of such apportionment it shall not be necessary to take a new or additional census or enumeration of said Territory. The power hereby conferred upon the governor is to be continued in full force until an apportionment shall be made by the Legislative Assembly of the Territory, under the provisions of the organic act thereof.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### TERRITORIAL PENITENTIARIES.

Mr. HITCHCOCK. One other bill I wish to have passed. It is House bill No. 440.

By unanimous consent, the bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873, was considered as in Committee of the Whole. It proposes to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873, by striking out the words "Montana," "Idaho," and "Wyoming," wherever the same occur in that act, which is hereafter to have no applicability to the Territories of Montana, Idaho, and Wyoming. The penitentiaries in those Territories are to continue under the care and control of the marshal of the United States for the Territories, under and pursuant to the provisions of the act entitled "An act in relation to certain territorial penitentiaries," approved January 10, 1871; which last-mentioned act is revived and re-enacted so far as the same applies to the Territories of Montana, Idaho, and Wyoming.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### SUFFERERS FROM MISSISSIPPI OVERFLOW.

Mr. WEST. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3573) making an additional appropriation to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River," and for other purposes, to report the same back without amendment and to ask that it be put upon its passage immediately.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SAULSBURY. I think that bill had better go over.

The PRESIDENT *pro tempore*. The Senator from Delaware objects to the present consideration of the bill.

#### JAMES A. McCULLAH.

Mr. SCHURZ. I move that the Senate take up House bill No. 3173.

The motion was agreed to, and the bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to credit the account of James A. McCullah, late collector of the fifth district of Missouri, with a sum not exceeding \$7,814.19, being the amount alleged to be uncollected on assessment lists transferred by him to his successor in office, and which were destroyed by fire while in the hands of his said successor; but such credits are not to be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue, by affidavits general in their character and applying to said amount in the aggregate, that due diligence was used by McCullah to make collection of the same while the lists remained in his hands, and that it was not collected by him.

The Committee on Finance proposed to amend the bill by striking out, commencing in line 12, the words "by affidavits general in their character and applying to said amount in the aggregate;" in line 15, by striking out the words "the same" and inserting the words "said taxes;" and in line 16, by striking out the words "it was" and inserting "they were;" so as to make the proviso read:

*Provided, That such credits shall not be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue that due diligence was used*

by said McCullah to make collection of said taxes while said lists remained in his hands, and that they were not collected by him; it being the intention of this act to relieve said McCullah from complying with the strict requirements of existing regulations relative to the abatement of uncollected taxes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### A. C. VORIS.

Mr. SHERMAN. I ask the Senate to act upon a pension bill which has been reported recently and which will take but a moment. I move to take up House bill No. 2671.

The motion was agreed to; and the bill (H. R. No. 2671) granting a pension to General A. C. Voris was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of General A. C. Voris, late colonel of the Sixty-seventh Regiment of Ohio Volunteers, at the rate of thirty dollars a month, to commence from the date of his discharge from the service of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### ROSA VERTNER JEFFREYS.

Mr. STEVENSON. I move to take up Senate bill No. 878.

The motion was agreed to; and the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys was read the second time and considered as in Committee of the Whole. It provides for the payment to Rosa Vertner Jeffreys of \$5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I move to proceed to the consideration of House bill No. 2787.

Mr. FRELINGHUYSEN. I rose to call for the reading of the report in the case of Mrs. Jeffreys.

The PRESIDENT *pro tempore*. The Senator can move to reconsider the vote on the passage of that bill.

Mr. FRELINGHUYSEN. I did not know what the bill was about. I move to reconsider the vote if that is necessary to secure an explanation.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to reconsider the vote by which the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys was passed.

Mr. STEVENSON. May I ask the Senator from New Jersey why he made the motion?

Mr. FRELINGHUYSEN. I stated that I did not know what the bill was about.

Mr. STEVENSON. I did not hear the Senator ask the question.

Mr. FRELINGHUYSEN. I am perfectly willing to withdraw my motion and hear a statement from the Senator from Kentucky.

Mr. STEVENSON. This is a bill reported unanimously from the Committee on Claims. The dwelling-house of Mrs. Jeffreys, who was a loyal woman in Lexington, was occupied by the troops of the United States when she was at the North. I think every major-general who was there and occupied it has testified to the merit of this claim. The chairman of the Committee on Claims knows a great deal more about the case than I do, and I would be very glad if he would make a statement.

Mr. SCOTT. I can state very briefly about this claim. The house occupied was one of the finest in the city of Lexington, and it was filled with a library, plate, very fine furniture, and many other appliances of luxury used by the family to which it belonged. If it were possible to allow for the whole extent of valuation that was destroyed in that property \$20,000 would not pay the owner, and I regret very much that it was not in the power of the Committee on Claims to allow the full amount, and I regret just as much that the War Department has not seen proper in many instances to take the shoulder-straps from some officers who permitted such spoliation as the evidence showed were permitted in that house and on that property, where very valuable carpets, libraries, &c., in a house occupied as the headquarters of a high commanding officer, were permitted to be despoiled and carried away. The amount allowed, after very great contest in the committee, is not more than one-fourth of the damages suffered, and all such items were excluded. This amount is for rent and actual damages, and it was the result of a very protracted consideration in the committee. I think the claim is entirely just and ought to be paid.

Mr. FRELINGHUYSEN. I would ask the Senator from Pennsylvania a question. Of course everybody would be glad under the circumstances to vote this money; but the question I want to ask is one that involves the principle, whether this property was within our lines or within the enemy's lines?

Mr. SCOTT. It was within our lines.

Mr. FRELINGHUYSEN. Then I have no objection.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. FRELINGHUYSEN. I do.

## PITTSBURGH MARINE HOSPITAL.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Pennsylvania is before the Senate.

The bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site and the purchase of a new site and erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania, was considered as in Committee of the Whole.

Amendments were reported by the Committee on Commerce.

The first amendment was after the word "point," in line 14, to insert "and in accordance with designs to be prepared by the Supervising Architect to the satisfaction of the supervising surgeon of marine-hospital service and approved by the Secretary of the Treasury."

The amendment was agreed to.

The next amendment was to strike out in line 27, after the word "provided," the words "the terms of sale of the present building will not admit of their remaining therein" and insert "it is practicable so to do; but in the event of such provision being found to be impracticable, then the present building shall be occupied for such patients."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## WILLIAM J. PATTON.

Mr. CLAYTON. I believe I have not asked the Senate to take up a bill this session. I now move to take up Senate bill No. 459.

The motion was agreed to; and the consideration of the bill (S. No. 459) for the relief of William J. Patton was resumed as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

## BUSINESS OF COMMITTEES.

Mr. BUCKINGHAM. The Committee on Indian Affairs have reported quite a number of bills which are on the Calendar which appear to be important. Some are from the House and some are original bills of the Senate. I rise to ask the Senate to give me from one to two hours to take up and act upon bills reported by that committee, and I would ask that they give me to-morrow evening. I propose that we have a recess to-morrow, and that to-morrow evening one or two hours, as shall seem best to the Senate, be given for the purpose indicated.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks the Senate to order a recess to-morrow, the session to-morrow evening being for the purpose of considering bills reported from the Committee on Indian Affairs.

Mr. STEWART. I do not think the evening is a good time.

The PRESIDENT *pro tempore*. The motion is not in order; but the Senator asks an understanding, so that the motion can be made to-morrow.

Mr. BUCKINGHAM. If the motion is not in order now I will withhold it.

Mr. CHANDLER. I ask unanimous consent, if it is in order, to move that the Senate take a recess to-day for the purpose of considering this evening bills reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. It is in order to move for a recess to-day.

Mr. CHANDLER. I move that the Senate take a recess from five o'clock to half-past seven o'clock this evening for the purpose I have indicated.

Mr. ANTHONY. I think it would be much better to give the Senator from half past five as long a time as he may require than it would be for us to adjourn at half past five and come back at half past seven. What can we do from half past five to half past seven except to go through the heated streets, get a poor dinner, and come back again? I would much rather stay here the same length of time that we should have to stay in the aggregate if we took a recess and came back afterward. Therefore let the Senator ask for a particular time this afternoon, say at half past five o'clock, instead of taking a recess at that time, to take up his bills and then go through with them.

Mr. CHANDLER. That will suit me as well.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that at five o'clock this afternoon the Senate proceed to consider bills reported by the Committee on Commerce. Is there objection?

Mr. WEST. That arrangement undoubtedly will contribute very much to our comfort and perhaps contribute to the measure that the Senator desires to lay before the Senate; but it might have the effect of indefinitely postponing the post-office appropriation bill. If it is to be understood that that business which the Senator proposes to bring forward shall not interfere with that bill I have no objection, otherwise I must object.

Mr. CHANDLER. I will consent that that appropriation bill, if not passed by that time, shall be the unfinished business after we get through.

Mr. WEST. I am obliged to the Senator, but I must object to any

such arrangement, for it is an indefinite postponement of the post-office bill.

Mr. CHANDLER. It is not.

Mr. WEST. How not?

Mr. CHANDLER. Because it retains its place.

Mr. WEST. I object to its going over.

Mr. CHANDLER. I ask unanimous consent then that the post-office appropriation bill be considered the unfinished business at the adjournment to-day.

The PRESIDENT *pro tempore*. It is proposed that unanimous consent be given that at five o'clock to-day the Senate will proceed to the consideration of bills reported by the Committee on Commerce.

Mr. SCOTT. Let me inquire of the chairman of the Committee on Commerce whether it is his design to take up any other bill than the river and harbor appropriation bill?

Mr. CHANDLER. I do not desire to take that up this evening. I wish to act on other business.

Mr. SCOTT gave notice that as soon as the post-office appropriation was over, and that was concurred in by the chairman of the Committee on Appropriations, he would ask that the bill reported by the Committee on Claims for the payment of awards made by the claims commissioners be taken up.

Mr. CHANDLER. I propose to take up the river and harbor bill the moment we get through with the post-office appropriation bill.

Mr. SCOTT. I do not propose to object if that is the only bill the Senator from Michigan wishes to consider to-day.

Mr. CHANDLER. To-night I wish to take up general business of the Committee on Commerce. That committee has not had a day or an evening, and I propose to take up some twenty or thirty bills to-night, but not the river and harbor bill.

Mr. SCOTT. Let us take the recess, and let the Senate determine in the evening whether they will take up the Senator's bills or the bill I have indicated, and I shall abide the decision.

The PRESIDENT *pro tempore*. The Chair would like to learn whether there is any understanding on this subject. Is it understood that at five o'clock this afternoon the Senate is to proceed to consider the bills reported by the Committee on Commerce, and that the post-office appropriation bill is to be called up before the adjournment in order that it shall remain the unfinished business? Is there objection to that understanding?

Mr. DAVIS. If the river and harbor bill is the only one the Senator from Michigan intends to call up, there is no objection.

Mr. CHANDLER. It is not.

Mr. DAVIS. Then I object. I think that bill ought to be considered.

Mr. CHANDLER. I propose to take that up the very moment we get through with the post-office bill, and I do not wish to consider it at an unusual hour. I will call it up the very moment the post-office bill is through.

Mr. DAVIS. I want the river and harbor bill considered as soon as the post-office bill is through with.

Mr. CHANDLER. That I shall insist upon.

The PRESIDENT *pro tempore*. No understanding can be arrived at, apparently.

## LAND DISTRICT IN COLORADO.

Mr. OGLESBY. I ask the Senate to proceed to the consideration of a bill which was taken up the other morning, read, and considered, and we were just about to proceed to vote on it. It does not require to be read at all. It will take less than quarter of a minute to pass it and there is no objection to it. It is the bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado.

By unanimous consent, the bill was considered as in Committee of the Whole.

Mr. OGLESBY. The Senator from Arkansas [Mr. CLAYTON] objected and he has withdrawn his objection.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

## CHANGE OF NAME OF A BRIG.

Mr. MITCHELL. There are two local bills in which my constituents are very much interested. I do not think they will take one minute. I ask to take up House bill No. 3591.

There being no objection, the bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

## WILLIAM L. ADAMS.

Mr. MITCHELL. I now ask to take up for consideration Senate bill No. 382.

There being no objection, the bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That the proper accounting officers of the Treasury be, and they are hereby, directed to allow William L. Adams, late collector of the port of Astoria, in the district of Oregon, in the settlement of his accounts, so much of the public funds as



were stolen from him and never paid into the Treasury, while engaged, in February, 1866, in conveying said funds from his office in Astoria to San Francisco, California, for the purpose of depositing the same with the United States assistant treasurer in that city, pursuant to the instructions of the Secretary of the Treasury: *Provided*, That the sum so allowed said Adams shall not exceed \$12,190.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

#### REMISSION OF DUTY ON RECOVERED SUNKEN MERCHANDISE.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was recommitted the bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered, to report it back without amendment, and as it is very brief, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. Whenever any ship or vessel, laden with merchandise in whole or in part subject to duty, shall have been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States and within its limits, and shall have remained so sunk for the period of not less than two years, and shall be abandoned by the owners, the bill proposes to permit any person or persons who may raise any portion of the cargo of such ship or vessel to bring the merchandise so recovered into the port nearest to the place where such ship or vessel was so sunk free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house, under such rules and regulations as the Secretary of the Treasury may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WASHINGTON MARKET COMPANY.

Mr. MORRILL, of Vermont. I desire to give notice that some time during the day I shall ask the Senate to take up Senate bill 937, annulling some acts of the Legislative Assembly in this District in relation to the Washington Market Company, and if Senators in the mean time will look at report No. 449, I do not think the bill will take five minutes' time.

JOSEPH S. READ.

Mr. FRELINGHUYSEN. I move that the Senate take up House bill No. 2463. It is simply a bill paying a few hundred dollars to a messenger here in the Capitol.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2463) for the relief of Joseph S. Read. It directs the proper accounting officer of the Treasury to pay to Joseph S. Read the sum of \$395.72; which is to be received in full compensation for the services of Read as an assistant door-keeper to the House of Representatives from the 1st of August to the 10th of November, in the year 1868.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COST OF SURVEY OF NORTHERN PACIFIC RAILROAD LANDS.

Mr. PRATT. At the instance of an old friend, an eminent citizen of the State of Ohio, who for many years was a member of this body and once its Presiding Officer, I desire to call up Senate bill No. 797. It is a bill that was referred to the Committee on Public Lands, fully considered by them, and reported unanimously. It will occupy but a short time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company.

The bill proposes to repeal so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted to the company, and no cost for surveying is to be collected from the company.

Mr. DAVIS. I should like to know how much is involved in this bill and what is to be paid under it? I observe that it proposes to release a railroad company from the cost of surveying lands.

Mr. PRATT. I will briefly state to the Senator from West Virginia what the trouble in this case is which is sought to be remedied by this bill. The charter of the Northern Pacific Railroad Company provided in its fourth section that a certain quantity of land on each side of the road should be conveyed to the company by patent upon the completion of every section of twenty-five miles, on the report of the commissioners provided for by the law. There are some ten million acres which have been earned by the company which are now withheld from patent because of a clause that was attached to the sundry civil appropriation bill of 1870, which reads as follows:

*And provided further*, That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall be first paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest.

This proviso is clearly in contravention of the terms of the original charter. Why it was ever put upon this appropriation bill, why it was ever enacted at all, I am at a loss to imagine. As I said a moment ago, the company have built about five hundred and fifty miles of their road, and about ten million acres under their charter are due to the company at this time, but are withheld from them until, in pursuance of this proviso that I have read, the company shall first pay the cost and expenses of the survey. Unless some gentleman is able to demonstrate that this provision hitched upon this appropriation bill was originally right, I hope this bill will pass.

Mr. DAVIS. My friend from Indiana has not yet stated how much money is involved in the bill.

Mr. PRATT. I do not know what was the cost of surveying these lands; but the original charter required that the United States should survey and convey by patent to this company these lands when the company should earn them by constructing sections of twenty-five miles.

Mr. DAVIS. I understand that there are seven or eight hundred thousand dollars involved, and that all the railroad companies who have got public lands heretofore have paid the cost of the surveys. I see no good reason why this company should be exempt, or have the money returned to them if they have already paid it. I do not wish to object to the bill, but I want the Senate to know what the bill is.

Mr. PRATT. I have stated the whole question.

Mr. HOWE. My attention is just called to this bill, and if it is not long I should like to have it reported once more.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the bill.

Mr. HOWE. Have any especial surveys been made upon the application of the company itself?

Mr. PRATT. Not that I am aware of. Here is the provision in the original charter which requires the United States to survey the lands without expense to the company.

Mr. HOWE. I understand about that. I think the subsequent law requiring them to pay the expenses of surveying was wrong; but the same legislation has been had in reference to the Union Pacific, and the Union Pacific it seems to me ought to have the same relief, and I do not know but that the Central Pacific should also. I would inquire of the Senator why he cannot amend his bill so as to extend this relief to other roads?

Mr. PRATT. I would prefer at this stage of the session not to amend the bill. This is clearly a matter of justice to this particular company. I do not know what other companies are entitled to a like measure of justice. But here is the charter which provides that these lands shall be conveyed without expense to the company, as they are earned, and I hope the Senate will pass the bill as it is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LEVEES OF THE MISSISSIPPI RIVER.

Mr. ALCORN. I ask the indulgence of the Senate to take up House bill No. 2988, a bill to which I do not think there will be any objection.

Mr. FRELINGHUYSEN. What is the title of the bill?

Mr. ALCORN. I will read it: "A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation." Pursuant to the recommendation of the committee I reported the bill with an amendment, and I hope it will now be acted upon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the President to assign three officers of the Corps of Engineers, United States Army, and to appoint two civil engineers eminent in their profession and who are acquainted with the alluvial basin of the Mississippi River, to serve as a board of commissioners; the president of the board to be designated by the President of the United States. It is to be the duty of the commission to make a full report to the President of the best system for the permanent reclamation and redemption of the alluvial basin from inundation, which report the President is to transmit to Congress at its next session, with such recommendations as he shall think proper.

The second section provides that the members of the commission who may be appointed from civil life shall receive compensation at the rate of \$5,000 per annum. The commission may employ a secretary at a rate of compensation not exceeding \$200 per month for the time he is employed; and the necessary traveling expenses of the members of the commission not officers of the Army, and of the secretary, are to be paid upon the approval of bills for the same by the Secretary of War.

The third section appropriates the sum of \$10,000, or so much thereof as may be necessary to carry into effect the foregoing provisions, which is to be subject to disbursement by the Secretary of War in accordance with the provisions of the act.

The Select Committee on the Levees of the Mississippi River reported an amendment to the bill to increase the appropriation in section 3 from \$10,000 to \$25,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MARSHAL FOR WESTERN DISTRICT OF NORTH CAROLINA.

Mr. MERRIMON. I move that the Senate take up House bill No. 225.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina."

The bill proposes to amend section 8 of the act of June 4, 1872, entitled "An act to establish a western judicial district of North Carolina," by adding thereto the following:

There shall also be appointed a marshal of the United States for said western district of North Carolina, who shall receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

The Committee on the Judiciary reported the bill with an amendment to strike out the following words at the end of the bill:

Receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

And to insert:

Be entitled to a salary of \$200 per annum; payment to be made quarterly out of the Treasury of the United States, and in addition thereto the fees of office fixed by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MARY E. GROSVENOR.

Mr. ALLISON. I ask the unanimous consent of the Senate to take up House bill No. 3505. It is a pension bill reported unanimously by the Committee on Pensions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3505) granting a pension to Mary E. Grosvenor. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Grosvenor, widow of Thomas W. Grosvenor, deceased, late lieutenant-colonel of the Twelfth Regiment Illinois Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TAX AND TARIFF BILL.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws and for other purposes, commonly known as the tariff bill, with sundry amendments; and I desire to state to the Senate that it is manifest at this stage of the session, if it is expected to pass this tariff bill, it will have to be taken practically as it is. The Committee on Finance have added no new matter, simply because we thought to add new matter would probably defeat the bill at this session; but we have proposed to strike out various sections of the bill, leaving in it the matter to which we think there is no objection in either House.

Mr. CONKLING. What are the sections stricken out?

Mr. SHERMAN. The last section is stricken out in regard to the tax on all sales of bonds, stocks, &c., and there are some sections about the tobacco tax stricken out, and there are modifications in a slight degree of other sections; but the substance of our report is the unobjectionable points of the House bill. I desire to state further that if Senators propose to pass this bill, it should be done at least to-morrow or the next day, and it will have to be passed without any material amendment.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and printed, with the amendments of the committee.

#### METHODIST EPISCOPAL CHURCH AT NEW CREEK.

Mr. BOREMAN. I ask unanimous consent to take up Senate bill No. 295.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia.

The bill requires the Secretary of the Treasury to pay to James Carskadon, P. M. Dayton, R. S. Dayton, James I. Barriek, Edmund Duling, and William Warner Smith, trustees of the Methodist Episcopal church at New Creek, Mineral County, West Virginia, to be used for church purposes only, the sum of \$1,400, for the occupation and conversion to the use of the Army of the United States of the house of worship of the said church at that place as a bakery, by the Commissary Department, from the 1st of April, 1862, until the 28th of November, 1864, under orders of the proper officers of the Army; on which last-mentioned day the house of worship being so occupied was destroyed by the rebel army.

The Committee on Claims proposed an amendment in line 9, to reduce the appropriation from \$1,400 to \$1,000.

The amendment was agreed to.

Mr. BOREMAN. I move to strike out the latter clause, that was put in merely as an incident, "on which last-mentioned day the said house of worship being so occupied was destroyed by the rebel army."

Mr. WRIGHT. I should like to inquire of the Senator from West Virginia what his object is in striking out the latter clause?

Mr. BOREMAN. That is merely stated as an incident. We do not claim for the destruction of the property by the rebel army. We merely claim for the use and occupation of the property.

Mr. WRIGHT. But I suggest to my good friend that if he strikes that clause out, it will be open so that they can make a claim for the destruction of the house hereafter. This \$1,000 is intended to cover all damages and the destruction, and if you strike out the latter part the destruction may be claimed for hereafter.

Mr. BOREMAN. I withdraw the amendment.

Mr. CONKLING. Whether the amendment is withdrawn or not, I have a suggestion to make about this bill. It is very hard to object to a claim on behalf of a house of worship, especially when it was used as a bakery; but notwithstanding those peculiarities it is one of the cases in which it is proposed to pay for the occupation or injury of property during the war; and how far or how near in respect of the theater of war, I do not know and the Senate cannot know without hearing the report read and hearing a discussion of this bill. It is taken up although the morning hour has actually expired. I do not mean to object to it if the Senator having charge of the unfinished business does not, but I want to hear the report and I want to know the facts before this bill passes.

Mr. WEST. I call for the regular order.

Mr. BOREMAN. Allow me a word. I would willingly submit this case to the Senator from New York for his judgment if he would take the trouble to read the papers and become familiar with the facts.

Mr. WEST. I call for the regular order.

The PRESIDENT *pro tempore*. The unfinished business is the post-office appropriation bill.

#### MOIETIES UNDER CUSTOMS LAWS.

Mr. SCOTT. When reports were in order I endeavored to get the floor for the purpose of moving to take up the report of the committee of conference on the disagreeing votes of the two Houses on the moiety bill, but in the press of business was unable to move it. That being in the nature of a privileged question, I trust there will be no objection to taking it up now, and I therefore move that the Senate proceed to the consideration of that report.

Mr. WEST. Laying aside the post-office bill informally?

Mr. SCOTT. Yes.

Mr. MORRILL, of Maine. I object to that. We cannot afford to allow anything to interpose against an appropriation bill that is ready at this time, unless you are willing to extend the session.

The PRESIDENT *pro tempore*. The Senator from Maine objects.

Mr. MORRILL, of Maine. As soon as this appropriation bill is through we shall not trouble the Senate again for a day or two.

The PRESIDENT *pro tempore*. If there be no objection the Chair will now receive strictly morning business, as there was no opportunity for it during the morning hour.

#### PETITIONS AND MEMORIALS.

Mr. OGLESBY presented a petition of 500 workmen of North Chicago, employed in rolling-mills, praying the restoration of the 10 per cent. duty on iron and steel and for free banking; which was referred to the Committee on Finance.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

The message also announced that the House had passed the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills:

- A bill (S. No. 767) granting a pension to Andrew J. Lasley;
- A bill (S. No. 613) granting a pension to Jefferson A. French;
- A bill (S. No. 814) granting a pension to Ebenezer W. Brady;
- A bill (S. No. 877) granting a pension to John W. Truitt;
- A bill (S. No. 690) granting a pension to Thomas Smith;
- A bill (S. No. 768) granting a pension to John S. Long;
- A bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;
- A bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phoebe Soffield, a pensioner;
- A bill (S. No. 536) granting a pension to Lavinia Ingraham; and
- A bill (S. No. 609) granting a pension to Margaret A. Hoffner.



The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2095) granting a pension to Charles McCarty;  
A bill (H. R. No. 3652) providing for publication of the revised statutes of the United States;  
A bill (H. R. No. 1948) granting a pension to Mary J. Blood; and  
A bill (H. R. No. 1227) granting a pension to Eliza A. Maxham.

The message further announced that the House had passed the bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, in which it requested the concurrence of the Senate.

#### REPORTS OF COMMITTEES.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 505) to amend the act entitled "An act making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes," approved July 29, 1848, reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, reported a bill (S. No. 956) for the relief of William Tod Helmuth, of New York; which was read, and passed to a second reading.

Mr. HOWE, from the Committee on Railroads, to whom was referred the bill (H. R. No. 3231) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved May 2, 1864," reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, to whom was referred the bill (S. No. 944) authorizing the delivery of certain bronze ordnance, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 685) to authorize the Librarian of Congress to send books to the governor of Iceland, and for other purposes, reported adversely thereon.

Mr. FRELINGHUYSEN. I should like to have that bill placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of John Montgomery, praying compensation for the use of his property by the Army, submitted a report thereon, accompanied by a bill (S. No. 951) for the relief John Montgomery and Thomas E. Williams.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Jeremiah Beatty, of Walker's Station, West Virginia, asking compensation for property lost in the Government service in 1862, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Sarah E. Ballantine, widow of David Ballantine, sr., of Boonville, Missouri, praying compensation for property destroyed by the United States troops in June, 1861, by order of General Lyon, reported a bill (S. No. 952) for the relief of Joseph Kinney, administrator of David Ballantine, of Missouri; which was read and passed to a second reading.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 456) for the sale of the Black Bob Indian lands in the State of Kansas, reported it with an amendment.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (H. R. No. 3663) for the relief of Smith & Matthews, of Illinois, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (H. R. No. 2900) for the relief of Jesse F. Moore and Charles W. Lewis, reported it without amendment.

He also, from the same committee, to whom was referred the petition of J. W. McClure, asking to be allowed a moiety out of the proceeds of certain cotton captured by him and turned over to the special Treasury agent at Mobile, Alabama, in 1865, asked to be discharged from its further consideration, which was agreed to; and he submitted an adverse report thereon, which was ordered to be printed.

Mr. MORRILL, of Maine, from the Committee on Naval Affairs, to whom was recommended the bill (H. R. No. 2997) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, reported it without amendment.

Mr. ALCORN, from the Select Committee on the Levees of the Mississippi River, reported a bill (S. No. 953) for the relief of the overflowed levee districts in the States of Mississippi, Arkansas, and Louisiana; which was read and passed to a second reading.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 939) extending the time for the completion of a railroad in the State of Louisiana, from the Texas State line to

a point on the Mississippi River opposite Vicksburgh, Mississippi, reported it without amendment.

Mr. CRAGIN. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register, have had the same under consideration, and have directed me to report it back without amendment, and to ask for its passage. It is a very short bill, and I ask for its present consideration.

Mr. WEST. I object to the consideration of any bill now.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

#### NAVY-YARDS AND NAVAL HOSPITALS.

Mr. CRAGIN. The Committee on Naval Affairs, who were by a resolution of the Senate instructed to inquire into the expediency of reducing the number of navy-yards and naval hospitals, have directed me to report the following resolution, and ask for its present consideration:

Whereas the Committee on Naval Affairs is instructed to inquire into the expediency of reducing the number of navy-yards and naval hospitals, and report by bill: Therefore,

Resolved, That the Committee on Naval Affairs be continued during the recess, and that they be authorized to visit the different navy-yards and naval hospitals on the Atlantic coast for the purposes of such inquiry; and that the Secretary of the Navy be authorized to furnish the necessary facilities for transportation, &c.

The resolution was considered by unanimous consent, and agreed to.

#### CONNECTIONS OF PACIFIC RAILROAD COMPANIES.

Mr. HITCHCOCK. I desire to call up the Senate bill No. 713, for the purpose of moving its indefinite postponement.

There being no objection, the bill (S. No. 713) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," was taken from the Calendar and postponed indefinitely.

#### BALTIMORE AND OHIO RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes; which were read, as follows:

In section 1, line 3, after the words "Washington branch" insert the words "one and a half miles north of Boundary street."

In the same section, line 3, after the words "any point" insert the words "one mile north of Boundary street."

In the same section, line 7, strike out the word "five" and insert the word "two."

Add at the end of the first section the following: "The said line shall avoid all Government property."

Also add at the end of the first section the following: "The points of intersection as well as said lateral branch to be approved by the engineer of public buildings and grounds."

Add at the end of section 2 the following: "This act may be altered, amended, or repealed."

Mr. DAVIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, being the unfinished business of yesterday, is before the Senate as in Committee of the Whole, the pending question being on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

Mr. FRELINGHUYSEN. If I have a right to do so I will accept the amendment of the Senator from Vermont, as that seems to give general satisfaction, so as to end this debate in reference to the whole subject.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment to the amendment.

Mr. RAMSEY. It can be done by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to permitting the Senator from New Jersey to accept the amendment offered by the Senator from Vermont. The Chair hears no objection. The amendment is so modified; and the question now is on the amendment of the Senator from New Jersey, as modified, which will be read.

The Chief Clerk read the amendment, as follows:

Sec. —. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department or other person entitled to the franking privilege when the law was passed abolishing the same. And the postage on no single volume of a public document shall exceed the sum of twenty-five cents; and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document," written or printed on the envelope containing any public document and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" shall be deemed to include all publications printed by order of Congress or either House thereof or of any Department of the Government. And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this shall apply only to documents ordered to be printed previous to the passage of this act.

Mr. CONKLING. I know I have no right to call on the Chair to construe proposed legislation; but I should like to know from the Chair or from somebody what the proviso means when it says "provided, that this shall apply." What is "this?" The right of the postmaster to sell if the postage is not paid, or more or less of the matter that precedes it? I see the Senator from Vermont is here, and I suggest to him that this amendment ought to be changed so as to contain something more than the words "this shall apply." I take it he means the proviso should restrict the provisions of the whole section.

Mr. MORRILL, of Vermont. Yes, sir.

Mr. CONKLING. I suggest that he make it so.

Mr. MORRILL, of Vermont. I insert the word "section" after the word "this."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. CONKLING. I now ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COOPER. I propose an amendment to the amendment to strike out the following words:

And the postage on no single volume of a public document shall exceed the sum of twenty-five cents, and the same if not prepaid shall be payable by the person to whom the same may be directed and received.

And also to strike out these words:

And if any such document shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

The effect of my amendment is simply to allow the passage of the documents provided for without postage. The amendment of the Senator from New Jersey, as amended by the Senator from Vermont, limits it to documents already printed. The amendment I propose seeks to let such documents pass free of postage. That is all.

Mr. WEST. I think the attention of the Senate should be called to the nature of this amendment before it votes without understanding it. It virtually throws open the whole post-office machinery to the transmission of mail matter free of charge and actually restores the franking privilege on all public documents. I think the Senate ought to understand the proposition of the Senator from Tennessee before they vote upon it.

Mr. COOPER. I supposed the Senate did understand it.

Mr. CONKLING. What is the question?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee to the amendment of the Senator from New Jersey.

Mr. CONKLING. I may be alone in not understanding what that amendment is—

Mr. COOPER. I sought to say that it is an amendment providing for the transmission of the documents already ordered to be printed, free of postage. It is confined to those that we have already ordered to be printed.

Mr. CONKLING. Without being sure that I understand the full force of the amendment of the Senator from Tennessee, it is a matter of great indifference to me whether it shall prevail or not, because I am opposed to this proposition whether it be amended or not, and I will occupy but a single moment in giving my reasons.

I voted to abolish the franking privilege. I thought it ought to be abolished. I am for its abolition or its remaining abolished now. I shall be in favor of it always unless by actual and fair experiment it turns out that its abolition was a blunder. The essence of the abolition of the so-called franking privilege was to subject all mail matter to lawful postage. Surely, everybody will agree with me in that. What does this proposed legislation mean? To exempt large classes of mail matter and of the recipients of mail matter from the postal laws. I will not run the risk of encountering my friend from Ohio by venturing to say that it means a restoration of the franking privilege. I will avoid those words because I have no wish to provoke controversy or difference of opinion. Surely, I state a fact that all will admit when I say that although we have abolished the so-called franking privilege here comes a proposition to send through the mails an immense bulk of matter without its being subjected to the prepayment of any postage and without its being subjected in any event or contingency to that postage which the law declares. I am opposed to it for that reason. I am opposed to it for other reasons, but I stop with that because I do not wish to consume the time of the Senate.

In this connection, Mr. President, I beg to make another remark about a fact which escaped me yesterday. I do not know that I can make the remark without in some way endangering the already imperilled liberty of the people. I find of late that there is great danger in saying anything which relates to newspapers without thereby endangering the very altars of liberty in respect of the press. But notwithstanding that, I venture to call the attention of the Senate to the fact that in the amendment offered by the Senator from Ohio, which in the first instance was adopted, I find these words:

That newspapers, one copy to each annual subscriber residing within the county where the same are printed in whole or in part, and published, shall go free through the mail; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as now provided by law.

I should like to inquire of the Senator from Ohio or some other Sen-

ator whether any petitions have been received asking for this legislation.

Mr. SHERMAN. I will say to the Senator from New York that this provision of the amendment I offered is found in a bill passed by the House of Representatives at its present session, and I am sure it had the assent and approval of the Committee on Post-Offices and Post-Roads of this body. As I stated when I introduced the proposition, the whole of it was simply the work of the Post-Office Committees of the two Houses. It is a restoration to the country papers of the old privilege they so long had, and I think it is right on this ground. The postal laws make no discrimination on account of distance; they charge the little country paper that weighs about an eighth as much as the great metropolitan journals for carrying it twenty miles as much as they do for carrying the metropolitan journals from New York to San Francisco. This provision giving the country papers the freedom of the mails within the county I think is a kind of fair mode of distributing the cost of the mail service between the large and the small papers.

Mr. CONKLING. The Senator from Ohio mistakes me in supposing that I intend in any way at this time to challenge this provision. I do not call attention to it for that purpose. I inquired of the Senator whether petitions had been sent here in behalf of the newspapers asking that they be exempted from postage, that they be exempted from the abolition of the franking privilege.

Mr. SHERMAN. I ought to say to the Senator that I have received myself such petitions and have presented them for reference; and the country editors in their local meetings have generally asked this privilege.

Mr. CONKLING. I did not know how that was. I believe in my own State some of the papers have denied that this privilege was coveted by newspapers at all. Without, however, saying anything on that point, and without stopping to discuss the merits of this proposition, without indicating any opposition or objection to it, I call attention to it for this reason: Having abolished the franking privilege in order to subject to postage all mail matter, what does this section do? It provides not merely that the little papers as the Senator from Ohio says, but that the great papers, as for example in the city of Chicago, shall go three hundred and sixty-five days in the year, if they emit a Sunday edition, as I believe some of them do, through the great county of Cook. The same thing is true of all the Western States. In the State of Ohio, I have just inquired of the Senator farthest from me [Mr. THURMAN] as to the size of their counties, and the minimum he gave me shows that they are of great geographical extent. Accordingly from every great newspaper center in the country the enormous weight and bulk of newspapers is to be carried daily through the mails for the benefit of subscribers free of postage. Now, without denying the propriety of that, without inviting any discussion in that regard at this time, I ask is not that a very strange commentary upon the theory on which, in accordance with the summons of the press and of public opinion, we enacted that all mail matter should pay postage to the end that the post-office revenues might be nourished and to the end that cheap postage might in the end be won?

I have not before me the figures to show the relative weight and bulk of this species of mail matter. Every Senator knows that it is a great proportion of all the contents of the mail. Now having abolished the franking privilege and having substantially restored it as to all executive officers, as the Senator from New Hampshire [Mr. CRAGIN] proved from the papers yesterday, we propose to restore it virtually as to public documents, we propose to restore it as to newspapers; and nothing is to remain except that our constituents cannot write to us and we cannot write to them upon public business without paying postage.

Mr. President, as I said, I mean to stand fairly by that for which I voted, namely, putting an end to that burden and inconvenience which was known as the privilege of franking by members of Congress. I will stand by the whole of it while I can, and when I can stand by only a part of it I will stand by that; but I submit to the Senate that this legislation, the pending proposition taken in connection with all that we have done heretofore and with the other provisions of the amendment of the Senator from Ohio, is a virtual recall of the repeal of the franking privilege in every respect except that which pertains to us. It will still stand as a barrier against every pensioner, every constituent, every petitioner, every claimant who has a right to come to Congress. It will stand as a barrier between us and our constituents in respect of public business and everything else; but when you pass beyond that field, it seems to me that by degrees we are giving up the whole thing.

Mr. HAMLIN. Mr. President, yesterday I believe was a day for confessions by Senators, and there are very few in this body who did not state how they voted upon the abolition of the franking privilege, and many stated why they voted, and most expressed regret for the vote they had given. I have no apology to make, no confession to make. I did vote to abolish the franking privilege, and I mean faithfully and fairly to stand by it to the end. I think I voted right then. I believe now that I voted right. I do insist that to the country what we are doing will hardly seem reputable to the body, and I feel sorry to see what I witnessed here. I think we had better bear the little burden that the repeal of that law has imposed upon us without exhibiting that kind of uneasiness which will be



attributed to this body. Whether it be true or not, it will be said all through the land that all this controversy has relation to the little thing of postage which we pay, and we cannot avoid it if we would. When I speak frankly, I am obliged to admit that there is more in it than I wish there was. It will also be believed all over the country, whatever may be the motive of Senators offering or voting for the proposition, that this amendment if not designed is calculated as the first blow to break down the abolition of the franking privilege by adding immensely to the burden of the mails and making a select quantity of matter go without being prepaid.

I say to the Senator who offered the substantial amendment to this bill—I mean the Senator from Ohio, [Mr. SHERMAN]—that his amendment surprises me as coming from him, and why? He has offered an amendment here which changes the whole law and makes prepayment necessary in relation to all the newspaper press, all the periodicals, and everything that went through the mails before without prepayment. He proposes by his amendment that on every newspaper, save the local newspapers in their counties, postage shall be prepaid, and that upon all mail matter passing between newspapers and periodicals the postage shall be prepaid. As a matter of revenue there can be no doubt that it will be highly beneficial to the Government. We receive now only about one-third part of the revenues which we ought to derive from these two classes of mail matter. Prepayment at one and a half cents an ounce on newspapers and three cents on periodicals will increase your revenues more than a million dollars. But the rate which the Senator has fixed in his amendment will diminish your revenue to a point which no man can calculate. The Senator shakes his head. That is my judgment. When you put your rate of postage at four cents a pound you drive every pound out of your mail, and the express companies will compete with you and compete successfully. I doubt whether the express companies will not compete with you at the rate of one and one-half cents per pound on newspapers and three cents for magazines; but the newspapers say they are willing to accept these terms, and we may try them.

But that was not the point. The Senator for the purpose of aiding the revenues, I apprehend, and of correcting an existing evil proposes an amendment here that all this matter heretofore going through without prepayment shall now be prepaid, and he follows that with an amendment in contravention of the whole spirit of the amendment which he had offered before, that documents shall go free. In other words, he brings in one class which has been free and compels the prepayment of postage, and then he brings in another class on which heretofore prepayment has been required, and lets that go, the postage to be paid at the end of the route.

Mr. SHERMAN. That is perfectly right.

Mr. HAMLIN. O, yes; the Senator thinks it is perfectly right.

Mr. SHERMAN. The present law discriminates in favor of newspapers against public documents; public documents must be prepaid, but newspapers need not be. I propose to reverse it. I think there ought to be a discrimination in favor of the distribution of public documents printed at public expense by Congress; but if I am in error in that, the Senate can very easily vote me down.

Mr. HAMLIN. There is just where I disagree with the Senator. If you are going to require all mail matter to be prepaid, or if you are going to require newspapers and periodicals to be prepaid, you should not be so inconsistent, as I consider it, as to turn around and say at the same time you will let documents go free, and they need not be prepaid. You will find the same result arising from sending public documents without prepayment that you have found by sending newspapers and periodicals without prepayment, to wit: you will not get one-half of the postage that legitimately attaches to them. Your amendment provides that documents remaining in the post-office uncalled for may be sold for the postage. My friend who sits beside me [Mr. HOWE] asked me what was the value of this document, [holding up the report of the Select Committee on the Affairs of the District of Columbia,] which has been laid on our tables this morning, and my reply to him was, "Tell me its weight and what the man who collects paper gives per pound for it, and I will tell you what the document is worth." It is not worth, and will not bring, the amount of the postage. And so your documents that have been transmitted through the mails subject to postage in many instances will never pay the cost of transportation.

But, Mr. President, I insist that it is inconsistent while you are compelling the postage on the newspapers and periodicals to be prepaid to let this other class of documents go free. I oppose the amendment for perhaps a much better reason. I have seen the expenses of our public printing spring from a few hundred thousand dollars up to two or three millions. I never had much confidence in a very great diminution of the expenses of transporting the mails in consequence of the abolition of the franking privilege, but I did have some faith in a very marked reduction in the expenses of our public printing; and if Senators will only hold on to the law precisely as it is, stop distributing these public documents except to persons who wish for them, and are willing to pay the postage on them, and let them be printed at cost for all who wish them, we may witness a still greater diminution in that regard.

But the Senator from California [Mr. SARGENT] yesterday stated correctly that the actual expenses of printing have been reduced at least one and a half million dollars, and I think we may add one and a half million dollars more to that. But if you inaugurate a measure

that will let members send these documents away by simply putting their names upon them and trusting the expense of their transmission to be paid by the recipients, you encourage precisely what we shall see; you encourage the printing of these documents, you beat down the repeal of the franking privilege, and you come back to all the abuses of an immense quantity of printing that costs you millions of dollars each year. That will be the result of it. The country will so look at it. It will end in that.

I hope, therefore, that the amendment to the amendment will be defeated, and then I hope the whole amendment will be defeated. I think that is in the line of sound economy. I think that is in the line of correct principle.

Mr. BUCKINGHAM. Mr. President, I do not know whether I have a confession to make or not. If I have, it is a confession of ignorance, for I did not know enough to vote for the abolition of the franking privilege; and the reason I did not vote for it was this: although it had suffered abuse, yet it appeared to me that it was important for the people of the country that they should have that information which they could secure by the transmission through the mails of public documents and information which was sent from this Capitol throughout the country. It did not appear to me to be advisable to destroy the bridge that carried this news until you had provided some other way to cross the river. For that reason I did not vote for the abolition of the franking privilege; nor have I since it was abolished, if I recollect the course I have taken, voted in any manner for the restoration of the privilege or any portion of it.

My own judgment now is that we should wait until the people know by actual experience whether it is wise or not to restore it; that we should wait until we shall have a general law which will meet the demands of the public, and also furnish Congress and the heads of the Departments with those facilities which are necessary to transmit information from the capital throughout the country; and until the public demand shall be crystallized in such a manner as to present to us some plan which will meet this contingency, I do not propose to vote for any measure which will tend to restore the franking privilege.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Tennessee [Mr. COOPER] to the amendment offered by the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The amendment to the amendment was rejected.

Mr. HOWE. I rise to inquire of the Senator from New Jersey what is meant precisely by the expression, "a single document?"

Mr. FRELINGHUYSEN. That has been altered to "a single volume of a document," by an amendment.

Mr. HOWE. I think that is a better expression. Would the Senator object to changing the rate of postage from twenty-five cents per volume to a certain rate per pound, say four or five or six cents per pound?

Mr. FRELINGHUYSEN. Would not that come to about the same thing on the average?

Mr. HOWE. I do not know how it would average, but I think it would be more equitable.

Mr. MORRILL, of Maine. That is the rule adopted in the bill, to pay by the pound.

Mr. HOWE. That would make this amendment in harmony with the principle of the bill.

Mr. MORRILL, of Maine. Yes; entirely.

Mr. HOWE. What is the rate per pound in the bill?

Mr. MORRILL, of Maine. Eight cents.

Mr. HOWE. That is too high.

Mr. SHERMAN. Four cents.

Mr. MORRILL, of Maine. Four cents for newspapers, eight cents for books.

Mr. FRELINGHUYSEN. My impression is you would realize as much revenue in that way; but I do not know. I should be willing to accept such an amendment.

Mr. MORRILL, of Maine. The Senator from Minnesota will know what the rate is. I ask him what is the rate fixed for books per pound? Is it eight cents?

Mr. RAMSEY. That is third-class matter. We are simply legislating now on second-class matter—newspapers to subscribers.

Mr. MORRILL, of Maine. We do not raise that question. As it now stands, I think it is sixteen cents a pound.

Mr. RAMSEY. Books are two cents an ounce. The proposition appears to be to reduce it to one cent for two ounces, making it uniform with the other rates for third-class matter.

Mr. MORRILL, of Maine. My understanding is that it is eight cents a pound.

Mr. SHERMAN. Eight cents for books and four cents a pound for newspapers and periodicals.

Mr. HOWE. I think eight cents is perhaps a little high.

Mr. SHERMAN. I see that the postage on newspapers and pamphlets is only four cents a pound, and that would be high enough for public documents, in my judgment.

Mr. HOWE. I think it would be.

Mr. MORRILL, of Maine. On what principle could that be so? Why should we burden the mail with documents at a lower rate than the publishers of other books not less desirable possibly, I might venture to say to the people, are permitted to send them through the mails?

Mr. HOWE. For a very good reason as it seems to me. First, we do burden the people with the expense of publishing these books upon the theory that they are specially desirable and necessary.

Mr. MORRILL, of Maine. Does not my honorable friend understand that we have abolished the franking privilege for the very reason that the sending of these documents through the mail had become a burden to the people?

Mr. HOWE. Well, partly that and partly because the people felt that they did not get the benefits of the books that they paid for publishing; whereas if you let the books go to those who call for them and are willing to pay the postage upon them, those will get the books who most desire them.

Mr. MORRILL, of Maine. Now, let me state a proposition which is in harmony with the whole features of this bill, and that is, that there shall be some adequate compensation to the service for all mailable matter transmitted through the mails.

Mr. HOWE. Some compensation?

Mr. MORRILL, of Maine. Some equitable, fair compensation; some remunerative compensation.

Mr. HOWE. Very good.

Mr. MORRILL, of Maine. You have placed the rate upon the books at eight cents per pound, and graduated other things accordingly.

Mr. HOWE. That is the rate assigned to merchants who make books for sale and for profit, and is the rate at which the Government will undertake to carry that kind of commodity from the merchant to the purchaser. This is very different.

Mr. MORRILL, of Maine. That is not stating it exactly, perhaps; that is the price at which the publishers are able to communicate with their customers. Now, why should a different rate apply in regard to public documents which people may desire? The people on all hands and on all sides desire to use this service for the transmission of books. At least I assume they do, because we have adopted that policy. Now, why should there be the slightest discrimination as to the class of books which the people may receive?

Mr. HOWE. Because, as I understand, there is no analogy, there is no similitude between the document which you publish by order of Congress or a House of Congress and the book which the Harpers publish for the trade; the one being a collation of these elementary political facts, a knowledge of which on the part of the people is essential both to the Government and to the people, not merely essential to the one who gets the facts, but essential to the life and well-being of every one of us that all our neighbors have possession of these facts; and I am one of those who believe that the weakest spot in our existence to-day grows out of the simple fact that so few of our people know what the Government is actually doing; whereas the book which is published by manufacturers engaged in that business is published for the sole amusement, instruction, or profit of him who will buy it. It is a pure business transaction. It is published by the publication house for profit, and is bought for individual instruction and individual advantage. The Government sends this last book from the manufacturer to the purchaser at a price which will compensate the Government. This other book I think should be sent through the mails at something less. We have heretofore sent it for nothing. I do not see any reason why we should not send it now for a sum which will fairly defray the cost of its transmission. I think that five cents per pound would be sufficient to cover that.

Mr. FRELINGHUYSEN. Was the suggestion of the Senator from Wisconsin to strike out "twenty-five cents" and insert "at the same rate fixed for periodicals?"

Mr. HOWE. I would agree to that.

Mr. SHERMAN. Say "the same rate per pound," or "per ounce."

Mr. THURMAN. Mr. President, I have taken no part in this discussion; but there is one view which I should like to move as an amendment if it is in order, and I presume it is now.

The PRESIDING OFFICER. It is.

Mr. THURMAN. I want to move an amendment that the CONGRESSIONAL RECORD shall go free through the mails. The people of this country have a right to know what is done in Congress, and they can learn that in no authentic way except by the record of our debates. Now, to whom do the CONGRESSIONAL RECORDS go? To whom did the Congressional Globe go before? I can speak for myself, and I think in doing so perhaps I am repeating the experience of every Senator on this floor. I forget the exact number of copies that I received of the Congressional Globe; I think about seventy. At least one-half of those I sent off to public libraries, to the State library, to certain great libraries in the cities, to college libraries, and some smaller libraries, taking about one-half. The rest go to the publishers of the newspapers.

There is, therefore, in the distribution of that RECORD, the best use possible made, so that the mass of the people can have access to it and see what their public servants have done. It cannot be said of them that they were so much waste paper; that they serve to make wrappers for grocers. On the contrary, they are kept in the libraries to which they are sent, or they are carefully preserved by the editors of newspapers who are desirous to have them that they may inspect the proceedings of Congress.

It is a distribution, therefore, of the debates of Congress which Congress ought to make for the information of the people, and I see no reason in the world why any tax should be levied upon that publica-

tion. It ought to pass free through the mails. For the very same reason that it is printed at the expense of the Government, for the very same reason it should be distributed free by the Government. Why print it at all, pray? Why not limit ourselves to our Journal? Why have anything in print of our debates if the matter printed is not to be distributed? Whatever may be the case with documents—I do not call the CONGRESSIONAL RECORD a document—whatever may be the case with documents properly speaking, whether they should pay postage or should not pay postage, in respect to the CONGRESSIONAL RECORD I submit to the Senate that we are bound to distribute that, and distribute it without cost. In other words, we are bound to inform the people as well as we are able to do it what their representatives in the Government have been about.

I therefore move to add at the end of the pending amendment the following proviso:

*And provided further,* That the CONGRESSIONAL RECORD shall be carried through the mails free of postage.

Mr. MORRILL, of Maine. Is that in order?

The PRESIDING OFFICER. It is.

Mr. MORRILL, of Maine. This subject seems to be a very prolific source of debate, and to afford a grand opportunity for the presentation of all sorts of unconsidered propositions. If it is in order, I move to lay the amendment of the Senator from New Jersey on the table.

The PRESIDING OFFICER. That motion is in order. The Senator from Maine moves to lay on the table the amendment of the Senator from New Jersey, which will carry the amendment to the amendment with it.

Mr. SHERMAN. That simply carries the pending amendment on the table.

Mr. THURMAN. The Senator from Maine moves to lay the amendment of the Senator from New Jersey on the table.

The PRESIDING OFFICER. Such is the motion.

Mr. STEVENSON. Does that carry all amendments with it?

The PRESIDING OFFICER. All the amendments to the pending amendment. There is but one.

Mr. STEVENSON. How would it affect the amendment which is offered by the honorable Senator from Ohio?

The PRESIDING OFFICER. It would carry that amendment with it.

Mr. THURMAN. On that motion I ask for the yeas and nays.

Mr. FRELINGHUYSEN. I suggest to the Senator from Ohio to withdraw his amendment and let us take a vote on this one, and then he can renew his amendment.

Mr. THURMAN. No; I would rather they should go together.

The PRESIDING OFFICER. The motion of the Senator from Maine is to lay on the table the amendment of the Senator from New Jersey, which carries with it the proposition of the Senator from Ohio.

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WASHBURN. Let the amendment be reported.

The Chief Clerk read the amendment and the amendment to the amendment.

Mr. CONKLING. Will the Chair be kind enough to state exactly what will be carried on the table if this motion prevails?

The PRESIDING OFFICER. The amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] and the amendment to that proposed by the Senator from Ohio, [Mr. THURMAN.]

Mr. CONKLING. Nothing else?

The PRESIDING OFFICER. Nothing else.

Mr. FRELINGHUYSEN. And also the amendment of the Senator from Vermont [Mr. MORRILL] limiting the amendment only to the distribution of the books on hand.

Mr. CONKLING. That is part of the original amendment now.

The question being taken by yeas and nays, resulted—yeas 23, nays 31; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Morrill of Maine, Oglesby, Patterson, Ramsey, Robertson, Sargent, Schurz, Scott, Washburn, West, and Wright—23.

NAYS—Messrs. Alcorn, Allison, Bayard, Boggs, Carpenter, Clayton, Cooper, Davis, Dennis, Frelinghuysen, Goldswaite, Harvey, Howe, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Vermont, Morton, Pease, Pratt, Ransom, Salsbury, Sherman, Sprague, Stevenson, Thurman, Tipton, and Windom—31.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Texas, Johnston, Jones, Logan, Norwood, Spencer, Stewart, Stockton, and Wadleigh—19.

So the motion to lay the amendment on the table was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio to the amendment of the Senator from New Jersey, by adding:

*And provided further,* That the CONGRESSIONAL RECORD shall be carried through the mails free of postage.

Mr. HOWE. Whom shall they be carried to?

Mr. THURMAN. To whoever they are directed to.

Mr. HOWE. Who shall direct them?

Mr. THURMAN. Somebody who writes a fair, good hand. It is only reviving what was the law as to the Globe. The Congressional Globe went through the mail without any frank. The law expressly so provided.



Mr. STEVENSON. I suggest to the Senator from Ohio in his amendment to add "that the words 'CONGRESSIONAL RECORD' shall be printed on the outside cover," so as to show the character of the document. That was the enactment in regard to the Congressional Globe.

Mr. THURMAN. I have no objection to that, but I do not think it is necessary. Suppose I direct that [holding up to-day's RECORD] to the Ohio State Library, you can see by looking at the wrapper that it is the CONGRESSIONAL RECORD. Why should it not go through the mail without any more formality? The Clerk can add the words indicated, however, if the Senate desire.

Mr. CONKLING. May I make an inquiry?

Mr. THURMAN. Certainly.

Mr. CONKLING. Suppose we add to the amendment of the Senator from Ohio, when he comes to send one of his speeches, as I hope he will to as many persons as he can afford to send it to, and take a part of the CONGRESSIONAL RECORD, not the whole of it, will that go free under this provision, or must he buy the whole RECORD?

Mr. THURMAN. Does the Senator mean a pamphlet speech?

Mr. CONKLING. No. If my friend from Ohio takes his speech in the RECORD to send off, must he buy the whole RECORD of that day although it may contain four times as many columns as the speech occupies, or will that part of the RECORD which contains his speech alone go free?

Mr. THURMAN. If I were Postmaster-General I should take the words "Congressional Record" to mean the CONGRESSIONAL RECORD and not to mean a portion of it cut out in that way. If the Senator from New York were to send off one of his speeches in the way he proposes to do, there might be some injury done in the public mind. The answer to it ought to go along with it, the antidote with the poison.

Mr. CONKLING. We could arrange that by a partnership; the Senator and I could club together and each contribute and send the two off in couples. The Senator has so much law and I have none that I hope he will not be impatient with me if I take off the first fourteen leaves of the RECORD to-day, marked "Congressional Record," and ask whether, under this provision they may go through the mail, or whether I must buy all the rest of this RECORD, containing to-day seventy-six pages? And I am serious about this because it will make a difference in my vote.

Mr. THURMAN. If the Senator does not speak of pamphlets I agree with him. I supposed he referred to pamphlet speeches. The whole includes all the parts, undoubtedly.

Mr. CONKLING. I think that aids the Senator's proposition if it is so.

Mr. THURMAN. Undoubtedly it is so.

Mr. CONKLING. A Senator wants to send off two or three pages of the CONGRESSIONAL RECORD to-day; must he buy the whole seventy-six pages and send them through the mail in order that he may send the two or three pages to a constituent who may be interested in something there?

Mr. CARPENTER. Say "the CONGRESSIONAL RECORD or any part thereof."

Mr. CONKLING. I think that would do.

Mr. THURMAN. Well I will put in "the CONGRESSIONAL RECORD or any part thereof."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. ALCORN. I suggest to the honorable Senator from Ohio whether he is not involving himself in a little difficulty and almost absurdity by the proposition he now makes? I hope he will not accept those words "or any part thereof." The RECORD contains the proceedings of Congress in entirety.

Mr. CONKLING. Here is the RECORD to-day of seventy-six pages. Does the Senator think it would be economical to the Government or fair to a Senator who wished to pay for something in it and to send it off, that he should be obliged to buy and pay for seventy-six pages of quarto printed matter and compel the mail to carry it when a single page may be all he wants to-day to transmit?

Mr. ALCORN. If the Senator were to inquire of me, I might say that perhaps I would vote for a proposition to permit the honorable Senator from New York to send his speeches printed in pamphlet form.

Mr. CONKLING. If the Senator should say that, I could not credit it. It would be a draft on my credulity that I could not honor.

Mr. ALCORN. I do not ask the Senator to make any extraordinary draughts on his credulity. I merely make a suggestion. The RECORD is an entirety, it is the day's doings in the Congress of the United States, and it is the purpose to send that RECORD out for the benefit of the people. It is a benefit to the country and not to a particular member of Congress that this free transmission through the mail is allowed. I desire to strip it of the characteristic of being a benefit to the member of Congress himself, but it shall go to the country as an entirety, as the record of Congress.

Mr. CARPENTER. Then we ought to make another amendment, because if the honorable Senator from Mississippi should make one of his able speeches it could not go to the country without benefiting that Senator, and therefore it would be improper to send it through the mails.

Mr. ALCORN. If I possessed the ability of throwing light on every subject that comes up here and did attempt it in the degree that is attempted by my honorable friend from Wisconsin, then I would be

held vulnerable to the charge he makes; but, sir, I see the purpose of this.

Mr. MORRILL, of Maine. I think the proposition of the Senator from Ohio is greatly in danger of having the beauty and symmetry of it marred; but nevertheless, as it illustrates a principle, I am glad to see it go on. It did seem to be a little striking when the Senator from Ohio, having moved that the CONGRESSIONAL RECORD, being a record of our proceedings, should go free through the mails, said that the people ought to know everything that Congress says and does. There did seem to be some little force in the argument; but when you come to dilute it, when you come to get it down to a fine point to illustrate the exact thing we are about, it somehow or other reflects the idea that we want to get out to the country as cheaply as possible, in some cheap way, now that the franking privilege is abolished, the little bits of things that we say here before the Senate. Although it is a little gross perhaps to send the whole book, we are asked why can we not send a few pages, why not the little wise sayings that we get off? Suppose they are but a snatch, suppose they are just a paragraph, why should they not go free? To illustrate, why should not all this be put on the wires? Why should we not extend the wires from this Chamber that now go to the Departments, so that whatever we utter may go on the wings of lightning everywhere all over this land, so that my honorable friend may electrify his constituents morning, noon, and night? Then they would know when he sits down, when he gets up, and after he utters a thing here why should it not go to them? My respect for the honorable Senator and my admiration for his character and abilities are such that I should be delighted to see that thing done. Why not have something of that sort, so that all the speeches we utter, all the wise sayings we utter should go out in one stream circulating on the wires everywhere?

Mr. CONKLING. The postal telegraph could do that!

Mr. MORRILL, of Maine. The postal telegraph! If we may send out this volume, this book which we publish every morning, containing everything we say, word for word, why, if we choose to send detached portions which may affect one of our constituents and not the whole, should we not be at liberty to do that?

Mr. President, I wish we would get done with this. I want to get this bill through; but if there are so many conceits to be put upon it I see little hope. I know my honorable friend from Ohio does not want to embarrass this bill, but after the people of the United States had insisted upon it that the carrying of public documents, including the Congressional Globe, was an abuse, and after we had put an end to it, the idea that within a twelvemonth or so after we enacted the repeal, and enacted it under circumstances of such solemnity that one would think nobody who attended that ceremony would ever raise a voice in that direction, we should be found here by these insidious steps working our way back to the free delivery of the choice things we publish in the Senate Chamber does seem to me extraordinary.

Mr. THURMAN. Mr. President, there never was any complaint in this country that the Congressional Globe or the speeches of members of Congress delivered on the floor of the Senate or the House of Representatives were sent free through the mail. There never was any complaint by the people of any such thing. The complaints, made were of the abuses of the franking privilege and of the violations of law. If the law had never been violated it never would have been repealed. It was because it gave rise to such violations of law, such abuses, that the people clamored for its repeal. It was not much of a clamor either; it was a stimulated thing got up in this city of Washington to give a certain officer of the Government a great reputation as a mighty reformer; and how much he has reformed, and how much expense he has saved to the people, we know now by the reports. But there were abuses, abuses that made me vote for its repeal; and what were they, pray? They were that perhaps one entire half of the franked matter that went through the mail in times of high political excitement was matter that was not frankable at all under the law. Do you know, sir, that if you were to deliver a speech outside of the Halls of Congress there never was a law which authorized you to frank that speech?

Mr. CARPENTER. If it was less than four ounces?

Mr. THURMAN. If it was less than four ounces.

Mr. CARPENTER. The Senator is mistaken.

Mr. THURMAN. I am not mistaken, for I have looked carefully into it. You had a right to frank your correspondence.

Mr. CARPENTER. The language of the law I think was "a package weighing not to exceed four ounces."

Mr. THURMAN. No, sir. You had a right to frank your correspondence; you had a right to frank public documents. There was no necessity for a law to frank the Congressional Globe, for it was expressly provided that it should go free through the mails. You had a right to frank speeches delivered in Congress, too, but you had not a right to frank even your own speech that was not made in Congress, and much less had you a right to frank here political pamphlets that were made up for electioneering purposes. How was it in the last presidential contest? I saw with my own eyes this Capitol filled after the adjournment of Congress two years ago with men, women, and children putting up all kinds of political stuff, extracts from the New York Tribune, almost a volume, to show what Greeley had said about the democrats, and not very interesting reading, I can tell you.

Mr. CARPENTER. To the democrats? [Laughter.]

Mr. THURMAN. Not to the democrats. Then in high Dutch and in low Dutch and in French were all sorts of political pamphlets of all kinds and descriptions. This Capitol was filled with men, women, and children putting them up in Government wrappers, and clerks were writing on them the franks of members of Congress when the members of Congress were hundred of miles away. I saw that with my own eyes. I have in my house now four of these documents, all purporting to be franked by the same man and his name written by four different persons, and he hundreds of miles away from Washington City at the time. That was the thing that was going on. It was because of the abuses of the franking privilege; it was because of the violations of law that it was abolished. But in respect to the provision of law that the Congressional Globe should go free through the mails there never was any complaint. That was not the franking privilege at all. There was no necessity for anybody to frank a Congressional Globe, for the law passed it free through the mail. Therefore when petitions came here asking for the abolition of the franking privilege they did not ask you to repeal that provision of the law which let the record of congressional debates go free through the mails. The people want those debates; they want to see what their public servants are doing; they want to know the reasons which they give for their action and for their votes.

My amendment simply proposes, not to restore the franking privilege, not to restore anything that came within the franking privilege as it existed, but to restore the old provision that made the record of the debates of Congress pass through the mail free without any frank at all. It is an entire mistake to treat this provision as having been a provision of law authorizing franking. It was not so at all.

Mr. CARPENTER. Will the Senator allow me to interrupt him to read the statute?

Mr. THURMAN. In a moment. On the contrary, the fact was that by special provision of law the record of the debates of Congress went through the mail free.

Now I have a word or two to say in answer to my friend from Maine [Mr. MORRILL] who has employed that wit which he possesses in such great abundance upon this amendment. He says that when this thing comes to be diluted, and we see what it is, it is only an attempt of Senators to get their speeches before the public. I submit to him that it is a duty that a Senator owes to send his speeches to his constituents that they may know what are his opinions and what he has been saying upon public measures that interest them; and instead of a Senator being reproached for that, that Senator best discharges his duties who, among the other good things he does, sends to his constituents the opinions which he as their representative has expressed in the Congress of the United States.

But, sir, that does not cover the case at all. Why is it that you publish seventy-odd copies for each Senator of the CONGRESSIONAL RECORD or the Congressional Globe? When a Senator sends one of those copies, three or four big volumes on which the postage would be I do not know how much, perhaps five, or six, or seven dollars—

Mr. MORRILL, of Maine. On an average, for five volumes of one session, \$3.50 I think.

Mr. THURMAN. When we publish such a book as that, I want to send it to libraries as I have been accustomed to do ever since I have had a seat here. I have sent copies of the Globe to the Mechanics' Library of Cincinnati, to the Mercantile Library of Cincinnati, to the Ohio State Library, to the various colleges in Ohio. In that way I have always disposed of more than half of those assigned to me. Why ought they not to pass free through the mail? They are part of the public transactions of this Government, and for almost as strong a reason as that which requires you to publish your laws you ought to publish and distribute your debates.

The PRESIDING OFFICER (Mr. HAMLIN in the chair.) The question is on the amendment of the Senator from Ohio to the amendment.

Mr. ALCORN. Let it be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The Chief Clerk read as follows:

And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. ALCORN. I shall not vote for that amendment as it is presented. The CONGRESSIONAL RECORD of to-day is seventy-six pages. Under the operation of the amendment I can tear off thirty-eight leaves and each and every one of them may be sent through the mail separately. I do not think it would give strength to the proposition.

Mr. CONKLING. They would not weigh any more in that way.

Mr. FRELINGHUYSEN. The amendment which I introduced, as modified by the Senator from Vermont, simply provides for disposing of the printed matter which we have on hand by suffering those who wish these documents to pay the postage for them when they are received. I hope that that amendment will not be loaded down with other provisions. When we come here at another session if we want to make arrangement for the RECORD, or for anything else, then is the time to do it, not now.

Mr. HOWE. Mr. President, it seems to me if the Senator from Ohio means to make the amendment operate equally and fairly he ought to provide not merely that anybody may send the RECORD through the mails free, but that anybody may have the RECORD to

send free through the mails. If the amendment stands in the language the Senator has put it in, it allows that one document, that one commodity, to be carried through the mails for nothing; not merely carried from the office of publication to the subscriber for nothing, but the bound volumes, sets, are included, and they can be carried from the office of publication, they can be carried from anybody who has them. The book merchants who have back numbers can send them to purchasers; they can travel to and fro in the mail. That is perhaps right enough; but now if you provide that anybody may have them printed by just calling at the Government Printing Office, then, although it may not be a sensible provision, it would be an equitable one, so far as individuals are concerned.

Mr. THURMAN. Perhaps everybody ought to have the laws of the United States; but we only print a limited number of them and so we print a limited number of the CONGRESSIONAL RECORD. It is in the discretion of Congress to print more or less as it sees fit.

Mr. HOWE. The Senator does not propose to send the laws free through the mail?

Mr. THURMAN. They ought to be.

Mr. HOWE. It is not included in the amendment.

Mr. THURMAN. One amendment for one point is enough at a time.

Mr. HOWE. There are those here who think a great many things ought to be sent free through the mails, but it is not exactly the effort that we are aiming at to provide for sending everything through the mails free.

Mr. WEST. I am admonished by the prolongation of this debate that probably this bill will not be finished if the Senate adjourns at its customary hour. I desire to give notice to the Senate now that I shall ask the Senate to remain here this evening until a final vote on the bill can be had.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The question being put, there were on a division—ayes 15, noes 14; no quorum voting.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAGER. I do not understand the amendment now before the Senate. I should like to have it reported.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The Chief Clerk read the amendment to the amendment.

Mr. OGLESBY. Mr. President, yesterday the Senate proceeded to the consideration of the post-office appropriation bill. If my memory serves me aright they had substantially finished that work when a class of amendments was presented to the bill which either directly or remotely had reference to the franking privilege. I have voted on several occasions this session on that subject, without having said anything about what my views were on the question. Although the RECORD does furnish to those who care to trace it something of the history of a man's views, it furnishes those views in such disconnected and so far-apart ways that unless it be studied connectedly through no man will ever know what a representative's views upon any given question are unless he hears something from that representative himself. It is too big a job to go all through the RECORD or the Globe to trace out the meanderings of a representative's votes to find out just where he stood or just where he did not stand upon any question before the country.

If I understand the public sentiment on this question of the franking privilege in all of its phases and in all of its bearings, if I have any just appreciation of the public feeling upon that question, it is that the country is opposed to it. I am very sincere in saying that I have arrived at this conclusion after giving some attention to the subject. I remember perfectly well that petitions were sent over the country a few years ago through the Post-Office Department soliciting signatures to those petitions for the repeal of the franking privilege; but I do not remember that where I live any man ever signed such a petition who was not absolutely in favor of it. It had grown to be in the public estimation a pestiferous thing.

I am free to confess that the public were not entirely unclouded in their consideration of that question. I believe that a great many false statements and representations were made to the public in regard to it. But as the Senator from Maine [Mr. MORRILL] has said on more than one occasion in the last forty-eight hours, and I think the Senator from Ohio [Mr. THURMAN] too, there was a well-settled belief in the country that the franking privilege had been abused. I think the statement of both those Senators will be corroborated by the recollection of every member on this floor as to the public sentiment in that direction, that the franking privilege had been abused. Therefore the country said with almost one voice, "Let us get rid of the franking privilege." Did they say anything else? If I understand the public they said something else; and when I adopt the public view upon a question I adopt it in all its length and depth and breadth. I take them at what I understand them to say. Accompanying that expression of public feeling in regard to the franking privilege there was another expression of the public very largely indulged in by the people, that Congress was publishing too much trash, that many of the documents were worthless or at any rate were undesirable; and the same public voice that said "Let there be no more franking privilege," also said "Let there be no more pub-



lication of worthless and unnecessary public documents." They did not discriminate between what were good documents and what were worthless documents; but there was a general sweeping denunciation through the country; and every other man you would meet would say "Of what consequence to me is that report" or "that document? I care nothing about it." Once in a while a man would get an Agricultural Report or possibly a report upon some of the western surveys or explorations, and once in a while an executive document—that is a document from one of the Departments of the executive branch of the Government—with which he was satisfied; and I have occasionally during the past winter received requests from the people of the West for executive documents, sometimes for the Congressional Directory, sometimes for copies of the Constitution of the United States, sometimes for the Agricultural Report, sometimes for surveys and explorations in the western country; but I have never yet received a request for a Coast Survey report, for the report of the survey across the Isthmus of Tehuantepec. I have received no request for the volume of statistics in regard to commercial relations, or in regard to finance, or in regard to many other reports published by Congress. Some of the grangers have asked for Agricultural Reports and for copies of the census of 1870 and of the censuses compendium; but in almost every instance in which I have received a request from Illinois for a public document either the postage has been sent to me or I have been requested to send it to the applicant by express.

I have not been borne down by my constituents; I have not been worried much under the prepayment of postage on public documents. I am not overly fond of that kind of enjoyment. So I wish to consider this franking privilege in all its length and breadth, and I shall vote against its restoration. Therefore I shall vote for the necessary corollary of that, which was so elegantly alluded to yesterday by the stalwart eloquence of the Senator from New York, [Mr. CONKLING.] He appealed to me to stand by him. I will stand by him or any other Senator here in voting against the restoration of the franking privilege. I have already voted once this morning in that direction, and I will stand by him and by every other Senator to keep the franking privilege out of the laws of Congress. I am asked if I ought not to send the RECORD through the mails free? Well, I ought not to send the RECORD through the mails free unless I can send a good record; and if I can send the RECORD how many can I send free? How many shall I get? Probably thirty or forty. That is all I can send.

How is it in regard to the amendment offered by the Senator from Kentucky to give seventy-five thousand copies of the Agricultural Report to the Senate for distribution? I should get one thousand copies and my colleague would get one thousand copies. There would be two thousand copies of the Agricultural Report for distribution in Illinois. How many legal voters are there in the State of Illinois to-day? Nearly six hundred thousand; and my colleague and I would get two thousand to distribute partially to a few friends, and you call on the other voters of Illinois to pay for the publication of the document, to pay for transmitting it free through the mails to two thousand selected men while the other five hundred and ninety-eight thousand go without it. Now I ask the public of Illinois if they can indorse that sort of distribution of documents? I do not ask Senators, I ask the voters of the State of Illinois if they have a right to call on me to stand here and vote for the publication and distribution of a partial and limited number of public documents for the favor and accommodation of my few friends, not to go to the residue of the public of the State of Illinois? I appeal to the voters of Illinois and ask them whether I shall give such a vote as that? No, I will not give it.

The PRESIDENT *pro tempore*. The Senator from Illinois should address the Chair. [Laughter.]

Mr. THURMAN. As I am not one of the voters of Illinois, and therefore am not just now addressed by the Senator from Illinois, I do not know but that it would be impertinent in me to ask him a question; but if I may be allowed as one not having the privilege of living in Illinois to ask him a question, I would ask him whether he proposes to print as many copies of the laws of the United States as will furnish every man, woman, and child in Illinois with a copy? Will he dare to limit the number of the laws of the United States and put them in the hands of a favored few?

Mr. OGLESBY. Yes, I will dare to limit the number to be published of the laws passed by the national Congress, and I will dare to limit the number of every public document ordered by Congress; and I will go further and dare to do what the Senator from Ohio, I believe, will not dare to do, I will say to the people of Illinois and to the people of the United States that the information that comes to this body through the legitimate channels of the Government and from the recognized constitutional Departments of the Government shall be published by authority of Congress, and under the direction of the Committee on Public Printing of both Houses of Congress it shall be distributed to all the people who will pay the postage and pay the cost of the printing and the paper in the document. That is what I will vote. That is the franking privilege that I desire.

The PRESIDENT *pro tempore*. The Senator's ten minutes have expired.

Mr. OGLESBY. It would afford me infinite pleasure to address myself to the Chair ten minutes longer. [Laughter.]

Mr. ANTHONY. I hope the Senator will have the privilege.

The PRESIDENT *pro tempore*. The Chair would be delighted to

hear the Senator. The question is on the amendment offered by the Senator from Ohio to the amendment of the Senator from New Jersey.

The question being taken by yeas and nays, resulted—yeas 28, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Boggy, Carpenter, Clayton, Davis, Dennis, Goldthwaite, Harvey, Ingalls, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pease, Ransom, Robertson, Saulsbury, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Wadleigh—28.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Washburn, West, and Windom—27.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cooper, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gordon, Hamilton of Texas, Johnston, Jones, Kelly, Logan, Morton, Stewart, and Wright—18.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] as amended, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 33, nays 26; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Boggy, Carpenter, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Harvey, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morton, Norwood, Patterson, Pease, Pratt, Ransom, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Windom—33.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Ferry of Michigan, Flanagan, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Ramsey, Sargent, Schurz, Scott, Stewart, Wadleigh, Washburn, and West—26.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Johnston, Jones, Logan, Robertson, and Wright—14.

So the amendment, as amended, was agreed to.

Mr. RAMSEY. I desire to move an amendment to the bill, merely to correct an omission.

Mr. ROBERTSON. I have an amendment lying on the Secretary's desk which I wish to have acted upon.

Mr. RAMSEY. I hope the Senator will allow this to go on. It is in harmony with the sections we have already adopted. The amendment is to add the following:

SEC.—That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the 1st day of January next.

Mr. WEST. I should like to inquire of the Senator what is the occasion for that proposition?

Mr. RAMSEY. It is most obvious to any one. It was part of the original proposition as reported from the Post-Office Committee and as it came from the House of Representatives. Contracts are already made by publishers with their subscribers for the current year. We have now provided for a new state of things which ought not to take them unawares, and this amendment postpones its operation until the 1st of January.

Mr. SHERMAN. That was in the original proposition I submitted, but I struck it out and handed it to the Senator so that his attention might be directed to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. ROBERTSON. I have an amendment on the table, which I now offer and ask to have read.

The Chief Clerk read the amendment, which was to insert as an additional section the following:

That the act entitled "An act to abolish the franking privilege," approved January 31, 1873, be, and the same is hereby, repealed; and the franking privilege, as the same existed prior to the passage of said act, is hereby restored.

Mr. ROBERTSON. Mr. President, inasmuch as we have restored the franking privilege in its most obnoxious form to all the heads of Departments and taken it away from ourselves, and we propose to send public documents to our constituents for the purpose of giving them information and letting them know what we do, I offer this amendment, so that Senators can put themselves squarely on the record. I desire a vote upon it.

The PRESIDENT *pro tempore* put the question on the amendment and declared that the noes appeared to prevail.

Mr. ROBERTSON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 34; as follows:

YEAS—Messrs. Alcorn, Carpenter, Dennis, Goldthwaite, Gordon, Harvey, Hitchcock, Kelly, Merrimon, Norwood, Patterson, Pease, Ransom, Robertson, Sprague, Stevenson, and Tipton—17.

NAYS—Messrs. Allison, Boggy, Boreman, Boutwell, Buckingham, Chandler, Clayton, Conkling, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Lewis, McCreery, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Stewart, Stockton, Thurman, Wadleigh, Washburn, West, and Windom—34.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Conover, Cooper, Cragin, Davis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Howe, Ingalls, Johnston, Jones, Logan, Saulsbury, Spencer, and Wright—22.

So the amendment was rejected.

The PRESIDENT *pro tempore*. There is one amendment of the Committee on Appropriations which has not yet been acted upon. It will be reported.

Mr. SHERMAN. That is superseded.

The Chief Clerk read the amendment, which was in section 1, line 10, to add the following proviso to the clause appropriating \$16,400,000 for inland mail transportation:

*Provided*, That postages shall hereafter be prepaid on all mailable matter at the time of mailing; and all acts inconsistent herewith are hereby repealed.

Mr. MORRILL, of Maine. That amendment is superseded by the amendment which has been adopted.

Mr. WEST. The committee withdraw that amendment.

The PRESIDENT *pro tempore*. The amendment will be withdrawn if there be no objection.

Mr. WEST. I should like an opportunity of making a typographical correction in line 8 of the amendment offered by the Senator from Ohio; and that is, to strike out the comma after the word "circulars" to make it correspond with the present law, as one of those commas would be very apt to give us trouble again.

The PRESIDENT *pro tempore*. That correction will be made if there be no objection.

Mr. STEVENSON. I offer the following amendment:

And that three hundred thousand copies of the report of the Commissioner of Agriculture shall be printed for circulation, which shall be duly stamped with postage stamps; two hundred thousand copies for the use of the House, seventy-five thousand copies for the use of the Senate, and twenty-five thousand copies for the use of the Commissioner of Agriculture.

Mr. CONKLING. How many are ordered now?

Mr. ANTHONY. I am not in favor of this amendment; but the proportions are not right. That is a document of which the House of Representatives have always had a much larger proportional number than the Senate. I do not think there has ever been an occasion when as many as seventy-five thousand copies have been distributed to Senators, while there have been more than one hundred thousand copies distributed among members of the House. It is a document which according to all the precedents of Congress belongs more to Representatives than to Senators.

Mr. MORTON. Under the amendment the number is two hundred thousand for the Representatives.

Mr. ANTHONY. There are documents of which Senators have the larger number, such as the CONGRESSIONAL RECORD. We have forty to each Senator, and the House of Representatives have twenty-five to each member; but the custom has always been to give a much larger number of the Agricultural Report to each Representative than to each Senator; for the manifest reason that the CONGRESSIONAL RECORD is intended for distribution in the way in which the Senator from Ohio, [Mr. THURMAN,] whom I do not now see in his seat, said he distributed his, to libraries and to editors, extending over all the State, of course, while the Agricultural Report is sent or should be sent to farmers. It is for popular distribution, while the RECORD is for a different kind of distribution and for more permanent uses. I think, therefore, it would be better to alter the proportion fixed in this amendment, giving to Representatives a larger number and to Senators a smaller number, although I state frankly I shall vote against the proposition.

Mr. STEVENSON. I only desire that the farmers of this country shall have the benefit of the Agricultural Bureau, and it is immaterial to me whether the report is distributed by the House or the Senate. I propose to print two hundred thousand for the use of the House and seventy-five thousand for the Senate, so that the people shall get it. I have given to the Commissioner twenty-five thousand, because the libraries and the granges who have libraries and all these people will write to him for a copy and will get it, and it seems to me the proportion is about right.

Mr. MORRILL, of Maine. I simply desire to emphasize an important statement of my honorable friend from Kentucky. In the spirit of liberality and magnanimity so worthy of the large-heartedness of that Senator he is disposed to do a big thing, a grand thing for the farmers! There are about six millions of them, I believe, and he proposes to distribute among them, to eke out through the partiality of Senators and members of Congress three hundred thousand copies of this report! I call for the yeas and nays on the amendment.

Mr. STEVENSON. I am disposed only to do what I think is my duty as a Senator. I represent here in part an agricultural State, and I am unwilling that the people of this country should be taxed to keep up a magnificent Bureau here where plants, trees, foreign seeds, and all things pertaining to agriculture are kept for the inspection of the people who come to Washington without giving the people at large the benefit of that which they are taxed to support. That may be big-heartedness or it may be blindness; I do not care which. It seems to me you should either abolish the Commissioner of Agriculture, or allow the people who are practical farmers to have the benefit of his research and of his foreign importations. Let us give them all the means of progress in agriculture; let us furnish them with the material by which they can advance the agriculture of the country. I hope Senators will not attempt to kill off this proposition by side-bar remarks.

I repeat, sir, let us either abolish the Agricultural Bureau, or distribute among the people the results of the labor of that Bureau. That is the simple question. If this were an original question as to the establishment of that Bureau probably I should not support it. I admit it has been of great benefit. It is among the instrumentalities of the Government which are in great favor with the people, and I have no wish to make capital out of this subject. My only desire

is, as long as this Bureau is kept up, to let the people have, free of expense, the annual report of that Bureau. I hope the yeas and nays will be taken on the amendment, so that every Senator can express his opinion upon it.

Mr. RAMSEY. I suggest to the honorable Senator from Kentucky that for the same reason he urges in this case he ought to send to the people the report of the Commissioner of Education. There is a Bureau of Education maintained here at Washington. Then again we have a Bureau of Public Lands, and its report ought also to be sent to the people; and there are various other Bureaus whose reports ought to be sent out among the people for the same reason which the Senator has given in support of his amendment.

Mr. STEVENSON. I will say to the Senator from Minnesota that the States have bureaus of education, and I suppose their reports are circulated, but I should think Minnesota would be the last State to object to this, especially as the Senator has already gotten a land grant during this session for his State out of the public Treasury.

Mr. RAMSEY. O, we only got our own lands, I beg to say to the Senator.

Mr. STEVENSON. I do not think, after the special privilege that has been conferred this winter upon Minnesota, the Senator from Minnesota ought to be so niggardly in his bounty to the people as to deny them the privilege, free of postage, of seeing what the Agricultural Bureau has been doing.

Mr. RAMSEY. All that you gave the people of Minnesota were their own lands, the value of which they had created. They were not worth a cent an acre when they went there, and they are worth whatever you get for them now.

But, Mr. President, one objection that I have to the Senator's amendment is that it does not go far enough, as I told him the other day when he offered it originally. There are three hundred thousand of these reports to be distributed, and we have two or three million farmers. If he were to give one to each farmer I could understand and appreciate the value of his amendment; but if one in ten or twenty is to be selected and favored by a copy of this report, I am unable to see the fairness or justice of it.

Mr. CARPENTER, (Mr. INGALLS in the chair.) The Senator from Minnesota thinks this amendment does not go far enough. The hero of the great reform must be patient. We cannot accomplish all these things in a moment. We propose to discipline his nerves by gradual advances up to the idea of allowing the people to have some little information, for which they pay, in regard to the management of the Government which is their government and which is directed by their agents. Three hundred thousand copies of this Agricultural Report are a great deal better than nothing. That is as much probably as the nerves of the Senator from Minnesota could stand at one dose. Next year perhaps he may stand five hundred thousand. I should vote for that just as cheerfully as I shall vote for this. The experiment succeeded here two or three years ago of shutting down all information from the people, cutting off the supply. Now we have got to feel our way back again. Three hundred thousand are pretty good for a start. Let the Senator from Minnesota get accustomed to that, and next year we will join him in going for five hundred thousand.

Mr. RAMSEY. I suggest to my honorable friend, who was the leader of the other great reform of the last Congress, the increase of pay, that we may perhaps be compelled to go back again on our action next winter. [Laughter.]

Mr. FRELINGHUYSEN. Is the amendment of the Senator from Kentucky amendable?

The PRESIDING OFFICER. It is.

Mr. FRELINGHUYSEN. I move to amend the amendment by striking out that part of it which provides that these Agricultural Reports shall go free by being stamped. We have already adopted an amendment providing that there need not be prepayment, but that the persons who wish these reports may pay for them when they receive them. That being the sentiment of the Senate, and by that arrangement everybody will get these books that wants them and those who do not desire them will not have them, I move to strike out the words "which shall be duly stamped with postage-stamps."

Mr. STEVENSON. I am surprised to hear the amendment offered by the Senator from New Jersey. I know him to be a most efficient friend of agriculture, and he must know that some of the best farmers and planters in this nation cannot afford to pay for this report, and to that extent he would deny to these men the opportunity of reading it.

But the Senator will remember that we have already to-day provided that the CONGRESSIONAL RECORD shall go free. Is not this report as valuable to the six million farmers in this nation as the RECORD, and if one goes free why should not the other go free? I think all must admit the importance of giving to the substantial interests of the country, to the laboring masses, the information which will be derived from this Agricultural Bureau. I think it is almost incalculable; and I do hope that the Senate will not only allow the printing of these three hundred thousand copies, but will permit them to go postage free.

Mr. FRELINGHUYSEN. The postage on one of these volumes will be about ten cents under the provision we have just adopted. It seems to me to be very fickle legislation for the Senate one half-hour to pass a law that the documents shall pay postage and the next half-



hour that they shall go free. I think the fact that a person writes for them and pays ten cents postage for them secures a better distribution than if they were sent free.

Mr. SAULSBURY. I hope the amendment of the Senator from New Jersey will not be adopted. If there is any public document printed that is appreciated, I am satisfied, from my experience in the distribution of documents while the franking privilege existed and since, that the report of the Agricultural Commissioner is more highly appreciated than any other public document printed by order of the Senate.

The Senator from Maine ridicules the idea that three hundred thousand copies amount to anything for the great farming interests of the country. It is utterly impossible to furnish every farmer or every person engaged in agricultural pursuits with a copy of the report of the Agricultural Commissioner; but these three hundred thousand copies will be distributed throughout the different States. Under this amendment there will go into the small State which I have the honor in part to represent some two thousand or twenty-five hundred copies. That will put a number of these reports in every neighborhood; and that is true of every State in this Union. Take the State of New York, for instance. While there are but two Senators here from that State, there are some thirty-three or thirty-four Representatives in the other House, and they will distribute into every neighborhood copies of this report. It will furnish valuable information to the agricultural community in which it is distributed, and now we ought not to begrudge so small a favor for the agricultural interest.

My friend from Maine, who opposes this amendment so zealously, certainly favors matters which protect special interests in his own section of the country. Why, sir, one tithe of the taxes that are imposed upon the people of this country for the benefit of the manufacturing interests of the country, so well represented by the Senator from Maine and others on this floor, one tithe of the tribute paid by the agricultural interest to those manufacturing interests by the way of protection, by the way of tariffs upon their interests, would put an Agricultural Report in every farmer's hand throughout the country. The farming community have been taxed for the benefit of other interests; and now when this small boon is asked, that three hundred thousand copies of the report of the Commissioner of Agriculture may be distributed among them, it is met with opposition. To my mind, it is most unreasonable and unjust.

The agricultural interest of this country has never asked protection, has never asked for any special favor at the hands of Congress; but Congress, in order to convey the impression to the agriculturists of this country that their interests were regarded, established here a Bureau that is costing, according to the appropriations for it the present year, nearly a quarter of a million dollars. The Agricultural Report is published. You have a publishing house established by the Government, and the small expense of the publication of three hundred thousand copies is but a trifle. Why may we not publish that number and distribute them free through the mails so that the farmers of the country may see what information this Agricultural Bureau is collecting on the subject of agriculture, so that they may be benefited if any good is contained in those reports?

I concur with the suggestion of the Senator from Kentucky that unless there is something practical for the farming interest to grow out of the establishment of this Bureau we ought at once to abolish it. The people of this country ought not to be taxed to the extent of a quarter of a million dollars for the purpose of keeping up an establishment here in the city of Washington where not more than one man in a thousand can see it. If it is not to distribute any of its benefits to the country, why keep it in existence here? If it is for ornament, for the same amount of money we can establish ornaments in every section of the country. Your quarter of a million dollars will put as great an ornament in every State in this Union in the course of ten years. We ought not to continue this Bureau, and I will vote myself to abolish it if none of the advantages which it was designed to effect are to be conveyed to the people.

Sir, we are distributing documents, we are publishing thousands upon thousands of documents that have no value as compared with this report. Documents, political in their character, are being published. We appropriated the other day \$200,000 for the purpose of making surveys for great works of internal improvement, when but very few Senators on this floor would avow their willingness to vote for the measures if they should be reported favorably upon by the engineers. What was that done for? We all understand it. It was to make a favorable impression upon the farmers of the West that something was to be done for their interests. I opposed that measure because I thought nothing practical would come out of it; that when the proposition came here for Congress to undertake the establishment of lines of canals and railways across this country the Senate would find they were destitute of authority and power under the Constitution to make them, and that the \$200,000 that we appropriated was thrown away, as I conceived, upon a political project, to make an impression upon the grangers of the West and others that their interest was being looked after here in Congress. But here is a practical good to the granger interest and the farming interest, the distribution of a document that is supposed to contain valuable information on the subject of agriculture, and yet when a proposition is made that it shall go free through the mails so that the people may get information from it, it is met with objection.

Sir, I will vote for this proposition, and if it is voted down, then I will vote for any other proposition that will restrict the publication of books and public documents to the absolute necessities of the Senate, and that no public documents shall be distributed whatever. I am prepared to meet this question fairly, to do it or not do it at all. Give the people the information they require, or else cease the publication of every kind of public document other than what is absolutely necessary in order that the Senate may transact the business devolving upon it.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States; and

A bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes.

#### NEWSPAPER PUBLICATION OF REVISED STATUTES.

Mr. STEVENSON. I ask leave to introduce a bill of public importance in order that it may be put on its passage at once and sent to the House. Yesterday, when I reported a bill for the publication of the revised statutes, the Senator from New Jersey [Mr. FREELING-HUYSEN] put a question to me as to whether there was in the bill a section repealing the publication of the laws in newspapers. I misunderstood that question. I supposed the question was as to the repealing of the contract with Little & Brown. It now turns out that there is nothing in that bill which repeals the act authorizing the publication of the laws in the newspapers. Therefore, if that law stands, the newspapers would, under their authority to print the laws, print these revised statutes. I therefore now ask unanimous consent to introduce a bill prohibiting the publication in the newspapers of the revised statutes, and I ask for its present consideration.

Mr. CONKLING. Before that bill is read, I wish to inform the Senator from Kentucky, that we may avoid confusion on this subject, that the provision which he now proposes has already twice passed the Senate. It was adopted yesterday early in the day on my motion as an amendment to the pending post-office appropriation bill. It turns out that it was also adopted as a part of the legislative, executive, and judicial appropriation bill, although yesterday we could not find it, and therefore, for abundant caution, I moved it as an additional section to the post-office bill, and it was added without objection. I think I may say further that there is no special need, though I have no objection to this bill, of a provision on that subject to-day or to-morrow. There was need, as the Senator explained yesterday, of immediate action on the bill he reported from the Committee on the Judiciary; but that bill being acted upon, the fact of the President signing the revised statutes will not thereby entail any obligation whatever upon the Government to publish them in the newspapers. On the contrary, if at any time within a week, or within the limits of this session, the pending appropriation bill becomes a law, or the legislative, executive, and judicial appropriation bill becomes a law with the clause there pending, his object will be accomplished. I state this, not in the nature of an objection, but my honorable friend was not in the Senate yesterday when the legislation took place to which I refer.

Mr. STEVENSON. If this bill passes it will dispense with the provisions of the amendments to the bills alluded to by the Senator from New York. It might be that under the existing law which is now before the President the newspapers might claim the right to publish the revised statutes as part of the laws, and upon consultation with the Committee on the Judiciary of the House, as this bill was intrusted to me, I prefer to make this matter certain; and as it will not take a minute, I ask to put the bill on its passage, that it may be sent immediately to the House and passed there.

By unanimous consent, the bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States was read three times, and passed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 563) for the relief of John M. McPike; and

An act (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship *Monocacy* of silver medals presented to them by the King of Siam.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I wish to present a conference report on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill. It is important that it should be passed now, so that it may go to the House this evening.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2064) making appropriations for

the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 12, 17, 18, 19, 49, 52, 63, 65, 69, 77, 91, 92, 94, 98, 101, 102, 106, 108, 113, 138, and 139.

That the House recede from their disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 29, 38, 45, 47, 48, 51, 53, 55, 56, 57, 58, 59, 60, 61, 62, 67, 70, 73, 74, 79, 80, 81, 85, 86, 87, 88, 89, 90, 103, 115, 117, 118, 123, 127, 128, 133, 134, 140, and 142, and agree to the same.

That the House recede from their disagreement to amendment numbered 11, and agree to the same with an amendment striking out the words "and eighty-eight;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 13, and agree to the same with an amendment striking out "five hundred and eighty-four" and inserting in lieu thereof "four hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same, with an amendment striking out "forty-two thousand seven hundred and sixty-eight" and inserting "thirty-seven thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 15, and agree to the same with an amendment striking out "eight thousand two hundred and fifty-six" and inserting "two thousand six hundred;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the twenty-first amendment, and agree to the same.

That the House recede from their disagreement to the amendment numbered 22, and agree to the same with an amendment striking out "2,580," and inserting "6,816;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 23, and agree to the same with the following amendment:

Substitute for the words stricken out the following:

*Provided*, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the thirty-seventh amendment, and agree to the same.

That the House recede from their disagreement to the amendments of the Senate numbered 39, 40, 41, 42, 43, and 44, with an amendment as follows: In lieu of the words proposed to be inserted by said Senate amendments insert, after striking out the text of the bill from the word "dollars," in line 3, page 13, of the bill, down to and including the word "each," in line 7, same page, the following: "One principal clerk of warrants and appropriations, \$3,000; seven principal clerks, at \$2,800 each; eight assistant clerks, at \$2,400 each;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 46, and agree to the same with an amendment, as follows: Strike out "6,003" and insert in lieu thereof "two thousand one;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 50, and agree to the same with an amendment striking out "5,004" and inserting "2,006," and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 54, and agree to the same with an amendment striking out "8,002" and inserting "5,004;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 64, and agree to the same with an amendment as follows: Strike out "1,008" and insert "1006;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 66, and agree to the same with an amendment as follows: Strike out "eight" and insert "five," and after the word "each" in line 4, page 18 of the bill, insert the words "one stenographer, at \$2,000;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 68, and agree to the same with an amendment as follows: Strike out the word "twenty," and insert in lieu thereof the word "eighteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 71, and agree to the same with an amendment as follows: Strike out the word "fifteen," and insert in lieu thereof the word "fourteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 72, and agree to the same with an amendment as follows: Strike out "51,140," and insert in lieu thereof "43,540;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 75, and agree to the same with an amendment, as follows: In line 18, page 18 of the bill, strike out the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 82, and agree to the same with an amendment, as follows: Strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 83, and agree to the same with an amendment, as follows: Strike out "16,500" and insert in lieu thereof "15,780;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 84, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 93, and agree to the same with an amendment as follows: Strike out "18" and insert "16;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out the words "three thousand" and insert in lieu thereof the words "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 96, and agree to the same with an amendment as follows: Strike out "3,000," and insert in lieu thereof "2,800;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out the word "nine" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 105, and agree to the same with an amendment, as follows: Strike out the words "ninety-eight thousand four hundred," and insert in lieu thereof "seventy-two thousand;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: In line 23, page 35 of the bill, strike out the word "five" and insert the word "six," and in the same line strike out the word "three" and insert the word "four," and strike out all after the word "dollars" in line 25, (same page), down to and including the word "dollars" in line 26; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Substitute in lieu of said amendment the following: after the word Department, in line 18, page 37 of the bill, insert the words "in the city of Washington," and strike out the words "Ordnance and Adjutant-General's Office" from said amendment, and after the word "duties," line 21, same page, insert the following:

*Provided*, That the Adjutant-General is authorized to retain during the next fiscal year, and no longer, such portion of his force of employés now on duty in his office, as may be actually necessary for the service thereof; but no new enlistments shall be made into the general service; and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment of the Senate numbered 112, and agree to the same.

That the House recede from their disagreement to the amendment numbered 125, and agree to the same with an amendment as follows: Strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 131, and agree to the same with an amendment as follows: In lieu of "fifteen" substitute "ten," and after the word "dollars," in line 14, page 55 of the bill, add the following: "That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 135, 136, and 137, and agree to the same with amendments as follows: Insert in lieu of the matter proposed to be inserted by said amendment, after striking out of the text of the bill all after the word "Treasury" in line 20, page 56, down to and including the word "each" in line 22 that has not already been stricken out by said amendment, the following: "two principal clerks at \$2,800 each; two assistant clerks at \$2,400 each;" and strike out "3,503" and insert "3,400;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 141, and agree to the same with an amendment as follows: Strike out "six" and insert "nine;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 143, and agree to the same with an amendment as follows: Strike out "28,008" and insert "14,007;" and in line 9, page 57 of the bill, strike out "60" and insert "80;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 145, and agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted by the Senate the words "this provision shall not apply," in line 1, and insert in lieu thereof the following: "this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress and this provision shall not apply;" after the word "Congress," in line 14, insert the following: "with his annual estimates;" and the Senate agree to the same.

LOT M. MORRILL,  
A. A. SARGENT,  
H. G. DAVIS,  
*Managers on the part of the Senate.*  
JAMES A. GARFIELD,  
S. W. KELLOGG,  
SAMUEL J. RANDALL,  
*Managers on the part of the House.*

Mr. ANTHONY. I should like to have some points in this report explained. In the first place I understand that there is an important addition made to the salaries of certain officers of the House of Representatives, making them higher than the corresponding officers of the Senate. Is that so?

Mr. MORRILL, of Maine. I will state how that is. It is true that the House increased the salaries of certain employés of the House. It has been the custom heretofore of each House to fix the salaries of its own employés, and as a matter of courtesy it has been acquiesced in by the other branch. Therefore we did not feel that it was a matter absolutely within our province to insist upon the Senate amendment striking out the increase. Yielding to the courtesy which had obtained for many years, the conferees on the part of the Senate felt at liberty to recede from our position on that proposition.

Mr. ANTHONY. I have always been in favor of allowing each House to regulate the compensation of its own officers, and I do not wish to enter into a race with the House in raising the salaries of officers, but I recollect that when we desired to vote an adequate compensation to an officer of the Senate, for whom we all have the highest respect, and who has been here at least twenty years longer than the Senator longest in continuous service, we had the utmost difficulty in getting the House to agree to it, and then it was only on condition that it should apply to the present incumbent of the office.

Mr. MORRILL, of Maine. It is perhaps due to the House of Representatives that I should say that in regard to two employés whose salaries have been increased, it was upon the principle of complimenting those officers which had been adopted by the Senate in former years in regard to one of its own meritorious officers, and the example therefore has that in its favor.

Mr. ANTHONY. How many officers have their salaries raised?

Mr. MORRILL, of Maine. Five, I think.

Mr. ANTHONY. I would like to ask the Senator further, what is the status of the Congressional Printer?

Mr. MORRILL, of Maine. That has just been read, but the Senator's attention probably was not called to it. Substantially it is this: That whenever there is a vacancy in that office the officer is to be appointed by the President and confirmed by the Senate, and is to be denominated "Public Printer."

Mr. ANTHONY. But it does not legislate the present incumbent out of office.



Mr. MORRILL, of Maine. It does not.

Mr. ANTHONY. I think that is perfectly right. I think that the Public Printer should be nominated by the President and confirmed by the Senate like the other great officers of the Government. This change to the existing mode of appointment was made at the urgent request of the House of Representatives, and not until they had sent us a second bill for that purpose. I myself assented to it with very great reluctance. I think that the name "Congressional Printer" is a misnomer, for there is more printing done for the Departments than there is for Congress. At the same time I think to legislate a man out of office at a time when charges of the gravest nature have been preferred against him, which are now under consideration and upon which the committee of which I have the honor to be chairman will soon be called upon to report, would be an act of very gross wrong. Since the change in the tenure of the office and in the appointment of the officer was made at the urgent request of the House, I think that the committee of conference have done perfectly right in holding on to the measure which the House have compelled us to, until there shall be a vacancy under the existing law. Then I think the matter should be as the bill provides.

Mr. MORRILL, of Maine. There seemed to be no disposition, as I could understand, to legislate the present incumbent out of office. He is left as I have stated.

Now a single word in regard to the bill as a general proposition. It will be noticed that there are numerous amendments, in regard to which on the one side and the other the Senate recede and the House recede, which become necessary of course in order to any agreement upon a general conference. The House, exercising a very laudable ambition to curtail the public expenses, had cut down the public service so to speak pretty largely in many of the executive branches of the Government. When the bill came here this led to a very careful revision of the whole subject, and the Senate Committee on Appropriations reported to the Senate a large number of amendments in the direction as they believed of the actual demands of the public service. Of course that was the chief matter of conference, and it will be seen that the report restores the public service somewhat largely as the bill came from the House to the Senate, but still the conference report is a reduction of something over \$100,000 in the aggregate from the bill as presented by the Committee on Appropriations on the part of the Senate and as accepted by the Senate.

I know of nothing so striking or marked in the report as to lead me to make any special remark in regard to it. I will answer any inquiry which any Senator may desire to make in regard to any amendment.

Mr. ROBERTSON. I should like to ask the chairman of the committee one question: Does not this bill perpetuate the Congressional Printer in office so long as he lives?

Mr. MORRILL, of Maine. It does not. He may be reached by the power that created him. A vacancy unquestionably may be created in the office; but at the same time it does not legislate him out of office.

The PRESIDING OFFICER, (Mr. INGALLS.) The question is on agreeing to the report of the committee of conference.

The report was concurred in.

#### PENSION BILLS.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. No. 2765) granting a pension to John W. Darby;
- A bill (H. R. No. 3683) granting a pension to Melissa Rankin, of Indiana;
- A bill (H. R. No. 3684) to increase pensions in certain cases;
- A bill (H. R. No. 3685) for the relief of George A. Schreiner;
- A bill (H. R. No. 3686) granting a pension to Nancy Curry;
- A bill (H. R. No. 3687) granting a pension to Victoria L. Brewster;
- A bill (H. R. No. 3681) granting a pension to William M. Drake;
- A bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery;
- A bill (H. R. No. 2400) granting a pension to William White;
- A bill (H. R. No. 2156) granting a pension to Nathan A. Winters;
- A bill (H. R. No. 2949) granting a pension to James R. Borland;
- A bill (H. R. No. 3692) granting a pension to Harriet W. Wilkinson;
- A bill (H. R. No. 3693) granting a pension to Aaron B. Hughes;
- A bill (H. R. No. 3694) granting a pension to Rebecca W. Taylor;
- A bill (H. R. No. 2235) granting a pension to Henry Korn;
- A bill (H. R. No. 3695) granting a pension to Eliza Flamant;
- A bill (H. R. No. 3696) granting a pension to Mary A. Hough, widow of Joseph Hough, late sergeant of Company B, Sixty-first Regiment of Pennsylvania Volunteers;
- A bill (H. R. No. 3697) granting a pension to Belinda Craig;
- A bill (H. R. No. 3715) granting a pension to Sarah Bacon, of Frankfort, Kentucky;
- A bill (H. R. No. 3698) granting a pension to William C. Davis, a private in Company B, Eleventh Regiment Tennessee Cavalry Volunteers;
- A bill (H. R. No. 3699) granting a pension to Lydia Simpson;
- A bill (H. R. No. 3700) granting a pension to Teter Wolfyoung;
- A bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer;
- A bill (H. R. No. 3717) granting a pension to Sarah McAdams;

- A bill (H. R. No. 3688) granting a pension to William O. Madison;
- A bill (H. R. No. 3689) granting a pension to Bernard Sailer;
- A bill (H. R. No. 3690) granting a pension to Peter Campbell;
- A bill (H. R. No. 3691) granting a pension to James Burris;
- A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;
- A bill (H. R. No. 3719) granting a pension to Matthew B. Whitace;
- A bill (H. R. No. 3720) granting a pension to Charles C. Haight;
- A bill (H. R. No. 3721) granting a pension to Ezra C. Owen;
- A bill (H. R. No. 3724) granting a pension to Michael Quarry;
- A bill (H. R. No. 3725) granting a pension to Mary Ann Eaton;
- A bill (H. R. No. 3723) granting a pension to Catharine H. Gallagher;
- A bill (H. R. No. 3727) granting a pension to John M. Allen;
- A bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow;
- A bill (H. R. No. 1241) restoring to the pension-roll the name of Joseph V. Cartwright;
- A bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;
- A bill (H. R. No. 3427) granting an increase of pension to Mary W. Shirk, widow of James W. Shirk, deceased, late commander in the United States Navy;
- A bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter;
- A bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;
- A bill (H. R. No. 3278) granting a pension to Margaret Beeler;
- A bill (H. R. No. 3277) granting a pension to Robert D. Jones;
- A bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;
- A bill (H. R. No. 3711) granting a pension to Martin D. Chandler;
- A bill (H. R. No. 1644) granting a pension to Hannah E. Currie;
- A bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding;
- A bill (H. R. No. 3031) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow;
- A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;
- A bill (H. R. No. 3714) granting a pension to Moses B. Hardin, guardian of minor children of Stanley Smith;
- A bill (H. R. No. 1722) granting a pension to Martha Wold;
- A bill (H. R. No. 3706) granting a pension to Margaret H. Pittenger;
- A bill (H. R. No. 3707) granting a pension to Louisa Thomas;
- A bill (H. R. No. 3718) granting a pension to Eunice Wilson, mother of John C. Wilson, late private of Company D, Forty-ninth Regiment Illinois Volunteers;
- A bill (H. R. No. 3709) granting a pension to William H. H. Buck;
- A bill (H. R. No. 3710) granting a pension to Henry C. Mills;
- A bill (H. R. No. 3701) granting a pension to Mrs. Maria D. C. Bache, widow of General Hartman Bache, United States Army;
- A bill (H. R. No. 3702) granting a pension to Alice Roper;
- A bill (H. R. No. 3703) granting a pension to Catherine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers;
- A bill (H. R. No. 3704) granting a pension to Mary E. Stewart;
- A bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry;
- A bill (H. R. No. 3731) granting a pension to Bridget Collins;
- A bill (H. R. No. 3732) granting a pension to O. G. Van Dusen, guardian of minor child of Reuben M. Pratt;
- A bill (H. R. No. 2119) for the relief of Elizabeth McCluney;
- A bill (H. R. No. 2677) granting a pension to Mrs. Mary G. Harris;
- A bill (H. R. No. 3722) granting a pension to John Fink;
- A bill (H. R. No. 3723) granting a pension to Mary Logsdon;
- A bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;
- A bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee;
- A bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;
- A bill (H. R. No. 3728) granting a pension to Abby A. Dike;
- A bill (H. R. No. 3729) granting a pension to Anne Eliza Brown;
- A bill (H. R. No. 2504) granting a pension to Henry B. Burgar;
- A bill (H. R. No. 3730) granting an increase of pension to Washington A. Holloway;
- A bill (H. R. No. 1183) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio;
- A bill (H. R. No. 3276) granting a pension to Davenport Downs;
- A bill (H. R. No. 3275) granting a pension to Eli Persons;
- A bill (H. R. No. 3274) granting a pension to John S. Corlett;
- A bill (H. R. No. 3190) granting a pension to Harriet Leonard;
- A bill (H. R. No. 3191) granting a pension to Elizabeth Brannix;
- A bill (H. R. No. 3192) granting a pension to the minor children of J. A. Brewer.

The above bills were severally read twice by their titles, and referred to the Committee on Pensions.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, the pending question being on the amendment of Mr. FRELINGHUYSEN to the amendment of Mr. STEVENSON.

Mr. MORRILL, of Vermont. Mr. President, if this proposition of the Senator from Kentucky shall meet with the approval of the Senate to print three hundred thousand copies of the Agricultural Report, it follows that we are going back to the old practice and will publish documents *ad libitum* hereafter on all subjects whatever. That amount will give me enough to send about two copies to each post-office in my State; and there will be hundreds, many of whom receive their mail matter at the same office, who will feel that they are just as much entitled to be recipients of its favor as those who get it, and they will even be angry because they do not get it.

Therefore, Mr. President, it is absolutely impossible to publish enough of these reports to give copies to all those whom we may think deserving; and then if we publish these, why should we not publish the Land Commissioner's report? Are we to publish reports for only one class? There are also reports in relation to the mining districts. Are we to suppress them, or are they to go like these through the mails free of expense? Then there are various other reports, as suggested by my friend from Maine, [Mr. HAMLIN,] the report on education, perhaps the most valuable that we have. Is that to be excluded? Then take that on fish culture. Some of my sporting friends would be glad to distribute that.

But, Mr. President, I did not rise to discuss this question. It seems to me that we have a rule that no amendment in regard to appropriations shall be made unless it comes from a committee with previous notice. This evidently involves a cost of two or three hundred thousand dollars. I should like to make the inquiry whether this amendment is in order or not. If it comes in conflict with that rule, as it clearly seems to me it does, it is out of order.

The PRESIDING OFFICER. The Chair holds that as no appropriation specifically is made in the amendment, it is not amenable to the point of order.

Mr. MORRILL, of Vermont. It involves the expenditure of money. I do not desire to discuss the question; but it seems to me that it is clearly in conflict with the spirit of the rule.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey to the amendment proposed by the Senator from Kentucky.

Mr. WEST. Let it be read.

The CHIEF CLERK. The amendment as first proposed reads:

That three hundred thousand copies of the report of the Commissioner of Agriculture shall be printed for circulation, which shall be duly stamped with postage-stamps; two hundred thousand copies for the use of the House, seventy-five thousand copies for the use of the Senate, and twenty-five thousand copies for the use of the Commissioner of Agriculture.

It is proposed to amend the amendment by striking out the words "which shall be duly stamped with postage-stamps."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky, [Mr. STEVENSON.]

Mr. WEST. Now I raise the point of order that, the amendment of the Senator from New Jersey having been rejected, this amendment offered by the Senator from Kentucky does increase the appropriation by these very postage-stamps that are put upon the documents. I submit that to the Chair.

The PRESIDING OFFICER. The Chair thinks that as the amendment contains no specific appropriation it is not open to the point of order; but he is willing to submit the matter to the Senate and have the sense of the body upon it if the Senator from Louisiana desires.

Mr. WEST. I do not desire it.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky.

Mr. DAVIS. I think we had better have the yeas and nays.

The yeas and nays were ordered.

Mr. BOREMAN. I should like to have some explanation of this amendment. I do not understand how postage-stamps are to be put on these documents. It does not state whether the postage-stamps are to be placed upon the documents here or elsewhere, or by whom. It does not make it anybody's duty to do it.

The question being taken by yeas and nays, resulted—yeas 27, nays 27, as follows:

YEAS—Messrs. Bayard, Boggy, Carpenter, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hitchcock, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Ransom, Robertson, Saulsbury, Spencer, Sprague, Stevenson, Stockton, Tipton, and Windom—27.

NAYS—Messrs. Allison, Anthony, Boreman, Bontwell, Buckingham, Chandler, Conkling, Cragin, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Handlin, Howe, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Wadleigh, Washburn, and West—27.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conover, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gilbert, Harvey, Johnston, Jones, Logan, Pease, Stewart, Thurman, and Wright—19.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

The message also announced that the House had passed a concurrent resolution extending leave to the woman's centennial executive committee of Washington to occupy the Rotunda of the Capitol upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

#### PENSION APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same.

A. A. SARGENT,  
D. D. PRATT,  
JOHN P. STOCKTON,  
*Managers on the part of the Senate.*  
CHARLES O'NEILL,  
J. M. RUSK,  
ERASTUS WELLS,  
*Managers on the part of the House.*

The report was concurred in.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3679) defining the qualifications of territorial Delegates in the House of Representatives—to the Committee on Territories.

The bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries—to the Committee on Foreign Relations.

The bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes—to the Committee on Claims.

The bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872—to the Committee on the District of Columbia.

#### EASTERN BRANCH BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern branch of the Potomac River at or near the site of the present navy-yard bridge, which was to insert after the word "appropriated," at the end of the first proviso, these words:

And no part of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties and with good and sufficient sureties to be approved by the Secretary of War for the construction and completion of said bridge, including the masonry, iron-work, and causeway, at a cost not to exceed \$146,000.

The amendment was concurred in.

#### BILL INTRODUCED.

Mr. MORRILL, of Maine. I ask unanimous consent, without previous notice, to introduce a bill which is necessary to correct a mistake in an appropriation bill. I should like to have it printed so as to have it acted on to-morrow morning.

By unanimous consent leave was given to introduce a bill (S. No. 955) to amend the "act to ratify an agreement with certain Ute Indians in Colorado;" which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

#### SHIP ALHAMBRA.

A message was received from the House of Representatives, by Mr. MCPHERSON, its Clerk, announcing that the House had passed a bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra; in which it requested the concurrence of the Senate.

Mr. CONKLING. I am told by a member of the House that this bill has passed both Houses twice in the last Congress and this, and fallen between the two. It is a very small matter, and I ask that it be acted upon at once.

By unanimous consent the bill was read three times, and passed.

#### CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. CHANDLER. I move to postpone that and all prior orders for the purpose of taking up the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. CHANDLER. I hope that bill will not be taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania. If it be voted down, the Senator from Michigan can then make his motion.

Mr. LEWIS. I hope this bill will be taken up. My constituents are largely interested in this measure, and I hope the motion will not be voted down.

Mr. SCOTT. If the Senator from Michigan will listen to a very brief statement he will probably see that this bill will not occupy very long. It is a bill making appropriations for the payment of about



a thousand claims, and if read regularly through it would take probably near an hour to read it; but I presume that unanimous consent will be given to act upon the amendments to the bill without going through the reading of the whole of the thousand names. If that be done, I think the amendments can be acted upon in a very short time and the bill disposed of. It is, as has already been stated by the Senator from Virginia, a bill interesting to a very large number of people, and I hope it will be taken up and disposed of.

Mr. CHANDLER. I hope not.

Mr. DAVIS. There are nearly a thousand persons interested in this bill in various amounts, ranging from fifty to three or four thousand dollars. I hope the Senate will take it up. There will be no dispute about it.

Mr. SPENCER. I am satisfied it will only take long enough to read the bill to pass it.

Mr. CHANDLER. It is for the Senate to decide whether they prefer this to the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. CHANDLER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays 15; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Denia, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pratt, Ransom, Robertson, Sargent, Saulsbury, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Tipton, and West—40.

NAYS—Messrs. Allison, Bontwell, Buckingham, Carpenter, Chandler, Conkling, Cragin, Ferry of Michigan, Frelinghuysen, Hager, Ingalls, Ramsey, Wadleigh, Washburn, and Windom—15.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Harvey, Howe, Johnston, Jones, Logan, Morrill of Maine, Pease, Thurman, and Wright—18.

So the motion was agreed to; and the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, was considered as in Committee of the Whole.

Mr. SCOTT. Before the Secretary proceeds to read the bill I will ask to make a brief statement prior to asking unanimous consent to dispense with the reading of the whole bill. The bill as originally received from the House appropriated \$680,060.78, divided among the following States:

Alabama.....	\$37,682 90
Arkansas.....	83,889 73
Florida.....	13,365 00
Georgia.....	23,537 20
Louisiana.....	152,563 00
Mississippi.....	85,516 80
North Carolina.....	48,073 88
South Carolina.....	10,784 00
Tennessee.....	74,499 46
Texas.....	675 00
Virginia.....	145,051 01
West Virginia.....	4,482 80

The amendments which the Committee on Claims of the Senate propose will strike out from the present bill about \$62,000. There was one item which we had proposed to strike out, and which by subsequent agreement of the committee we decided to retain in a different form. It would have left the amount \$604,000 if that had been stricken out; and if it is retained it will make about \$611,000.

Mr. SARGENT. What amendment does the Senator now refer to?

Mr. SCOTT. I will state very briefly the amendments which we propose. We propose to strike out three appropriations and send back the claims to the commissioners for re-examination, namely, one to William Bailey, of Louisiana, for \$45,161.72; the case of Letitia Elsey and Maria H. Turpin, each \$3,563.48; the case of John Campbell, administrator of the estate of Stephen S. Springer, deceased, \$9,225. The other one which we propose to retain in a modified form is to the legatees of John Fox, \$7,545.

With the exception of the amendments to which I have already referred, the others in the bill are merely verbal for the purpose of correcting the errors that have crept into the bill in the names. The more substantial amendments are those that I have already referred to. While I have no desire on that subject, I will state that time will be saved if the Senate will be satisfied to dispense with the reading of the bill and take up the amendments. Senators will see by looking at the bill that it is simply an enumeration of the names and the amounts due to claimants, covering sixty-six pages.

Mr. SHERMAN. Is there no legislation in it?

Mr. SCOTT. There is no legislation in it of any character but the appropriations and the amendments which I propose for the purpose of sending back some of the cases to the commissioners. I ask therefore to dispense with the reading of the bill and proceed to consider the amendments.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. CONKLING. I wish to interpose nothing to consume time. Before consent is given to the request, I call the attention of the Senate for illustration to what appears on page 53:

To the public school trustees of Manassas, for the material of the Bradby school-house and church, \$450, to be paid on the basis of a compromise between the school and church trustees on file in the case.

If the bill is not to be read, such matter as this and other special matter is to be passed in the lump. I suggest to the Senator that we ought to know a little more about the bill than we do in taking it as a sealed volume containing sixty-six pages and selecting from it four amendments, confining our attention to those.

Mr. SCOTT. As I said, I have no desire on the subject. I made the suggestion simply to save time.

Mr. CONKLING. I do not make an objection, but I say to the Senator—

Mr. MORRILL, of Maine. I think the bill had better be read.

Mr. SCOTT. If the Senator from New York desires an explanation of the particular subject to which he refers I will give it.

Mr. CONKLING. I did not select it; I happened to fall on that because I opened the bill at that page; but nobody can go through this bill who is not familiar with it. Still I do not make an objection.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the reading of this bill? The Chair hears no objection, and the amendments will be reported.

The CHIEF CLERK. The first amendment of the Committee on Claims is on page 2, line 19, strike out "Gilreath" and insert "Gilbreath."

The amendment was agreed to.

Mr. SHERMAN. I think the Secretary had better read where there is anything more than a mere name and amount. On page 17 I see something about the transfer of a judgment. Wherever there is anything except the mere name and amount I think the bill ought to be read. The Secretary can glance at it in a moment and see where those cases occur.

Mr. SCOTT. I have a memorandum of the amendments. The next amendment is in line 376, where the word "tenant" is misspelled.

The CHIEF CLERK. On page 16, line 376, it is proposed to strike out "tenant" and insert "tenant."

The amendment was agreed to.

Mr. SHERMAN. I ask for the reading of the clause on page 17, line 387.

The CHIEF CLERK. On page 17, line 387, the bill reads:

To Elizabeth D. Wade, administratrix of the estate of Henry G. Wade, \$9,750; and that the judgment rendered in favor of the United States against the sureties of the said Henry G. Wade, upon the bond given by Wade and his sureties for the purchase-money of the wharfbat, be, and the same is hereby, discharged.

Mr. SHERMAN. What does that mean?

Mr. SCOTT. The Senator from Oregon is more familiar with this case than I am, he having examined it fully; but my recollection is that it is for the value of a boat which was taken and impressed into the service of the Government. Some claim arose about the boat after it was recaptured, and the judgment referred to here was against the sureties of Henry G. Wade upon a bond given by Wade for the purchase of the boat. This is a stipulation by which that judgment is to be released, the sum appropriated here being in full for both the value of the boat and its use while it was in the service of the Government. That is my recollection of it, but it is more familiar to the Senator from Oregon who examined the case.

Mr. MITCHELL. I will state for the information of the Senate that the claim was made for a boat taken by order of one of our generals during the war and used on one of the Arkansas rivers. The boat was some considerable time afterward turned over to an agent of the Treasury Department and sold. At the sale the owner became the purchaser. Instead of paying the purchase-money, the officers of the Government took his bond with certain sureties for a certain penal sum conditioned for the payment of the amount at a certain time. Afterward suit was commenced on the bond in one of the circuit courts of the United States, and judgment obtained. The commissioners in passing upon the claim allowed the claimant for the use of the boat, and also recommended that Congress release this judgment. That is all there is of it. The Committee on Claims recommend the same measure that the commissioners did.

Mr. SCOTT. If nothing further be desired in reference to that, the next amendment is in line 436.

The CHIEF CLERK. The next amendment of the Committee on Claims is on page 19, lines 436, 437, and 438, to strike out the following item:

To John Campbell, administrator of the estate of Stephen S. Springer, deceased, \$9,225.

The amendment was agreed to.

Mr. SCOTT. The next amendment is in lines 513 and 514.

The CHIEF CLERK. On page 22 the Committee on Claims propose to strike out lines 513 and 514, as follows:

To William Bailey, \$45,161.72.

Mr. WEST. Mr. President—

Mr. SCOTT. Will the Senator permit me to suggest before he goes on that while this is stricken out here the second section reported by the committee proposes to send the claim back for re-examination to the commissioners.

Mr. WEST. I will yield to the Senator from Missouri.

Mr. BOGY. I will state that I have been called upon to investigate this claim of Mr. Bailey. I have done so with some care, and I am at a loss to understand why the committee have made a report against the claim. It is embraced in the report of the commissioners of claims. It appears to be properly sustained by abundant testimony. It passed the House, and I am at a loss to understand why the committee report against it. I therefore move that the amendment reported by the committee be non-concurred in.

Mr. WEST. I understand there is a motion now made by the Senator from Missouri to non-concur in the amendment.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on agreeing to the amendment reported by the committee.

Mr. WEST. I wish to say a few words to the Senate on the subject of this claim. In the report that was made by the commissioners of claims and acted upon by the committee of the House of Representatives at the close of the last Congress, the claim of William Bailey for the sum stipulated in this bill was included, and the bill with that claim included in it was just about being passed in this body when some objection was made by some individual inducing the committee to withdraw their recommendation for its payment, to enable the commissioners of claims to consider the subject once more. Now the proposition of the Senator from Pennsylvania striking out the appropriation in favor of the payment of this claim, and also providing that it shall be recommitted to the commissioners of claims, is a renewal of just what was done twelve months ago. Consequently if there is any justice in this claim at all the claimant is subjected to the delay, the perplexity, and the privation of once more submitting his claim to the commissioners.

Now, there is certain testimony tangible here that can be laid before the Senate which I think will justify them in declining to accede to the proposition of the committee. In the report that the commissioners of claims made at the close of the Forty-second Congress they used specifically this language:

After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war.

That was the finding of the commissioners; they themselves were compelled to admit that Mr. Bailey was a loyal man. There not being any written report from the Committee on Claims on this case, I have no means of knowing what their reasons are for withholding payment; but if the Senate will examine they will find that at the time the commissioners made this report there was a charge made against Mr. Bailey that he had been guilty of selling cotton to the confederate government. He was examined in regard to that. The commissioners also alluded to it in their report in these words:

General Bailey, upon his examination in this case, swears that he did sell five hundred bales of cotton to the confederate government, or to some confederate or State agent, alleging that he was compelled to sell it to get money to pay his taxes; and if he had refused it would have been taken or burned.

And yet, notwithstanding that investigation and admission by the claimant himself, for nobody else swore to it, the commissioners of claims considered that the claim was a just and equitable one and should be paid. There has come into the possession of the Government of the United States since this report was presented to the last Congress certain record evidence of the transactions of the confederate cotton bureau to what is known as the trans-Mississippi department. I was aware at the time this claim was presented to Congress last year of the existence of those records, and I was also aware, having examined them, of what they said in reference to Mr. Bailey. Those records prove conclusively, but no more conclusively than was proved by the admission of the claimant himself, that Mr. Bailey did sell that cotton; but his testimony is there, and the testimony is also there of the agent of the confederate government, that he sold that cotton under duress. The commissioners, in presenting a supplemental report particularly relating to this claim of Mr. Bailey, under the date of March 26, 1874, give the precise questions put to Mr. Bailey and answers made by him, as follows:

Question. Did you contribute anything to aid the confederate cause?

Answer. Never one farthing, neither directly nor indirectly.

Q. Did not you have to pay taxes?

A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there.

There is some allegation here that the young man who is alluded to was a son-in-law of the claimant. The facts were that at the time this young man was there confiscating the old fellow's cotton, he was confiscating the daughter also, and there was a slight disagreement between them on the question of cotton and on the question of the daughter, and the young man got them both, but he got them both under duress and contrary to the assent of the claimant.

There is abundant and overwhelming testimony of loyalty. I have it before me, but I do not consider it necessary to trouble the Senate with it, because I claim this man's loyalty under the admission of the commissioners themselves. If it is necessary to go into that, I can do so. I shall briefly, however, refer to one affidavit in the case to show that this man was not only loyal to the Government, but was loyal in heart and loyal to the core, and it is to such men throughout the South that we should give our encouragement and assistance. Here is what one man says:

During the Red River campaign there flocked to within our Army lines upward of ten thousand freedmen. These were of all ages and of every condition—sick, lame, naked, hungry. The Army was without adequate supplies, and the freedmen, in many cases, died by the wayside.

Mr. SCOTT. I ask the Senator whether he reads from testimony taken before the commissioners?

Mr. WEST. Here is testimony given by a man and his testimony is referred to by the commissioners. It is given by a man whom I very well know.

Mr. SCOTT. That is not the question. Was it taken as testimony before the commissioners?

Mr. WEST. I am not prepared to answer that question, but I have not a doubt that it was.

Mr. SCOTT. What is the date?

Mr. WEST. The 27th day of April, 1874.

Mr. SCOTT. Then it was not taken before the commissioners.

Mr. WEST. Well, we will take it now. There is no question of his loyalty now raised. They have admitted his loyalty.

It was during this campaign that I first met Mr. Bailey, and it was then—a year before the war ended—that he assisted in word and deed as none but a friend would do. The amount of supplies furnished from his place to the Army and the freedmen was immense. We must have had five thousand freedmen on his place at one time, and all these were in need of food which could be had at the time only from the country through which we passed. Nearly all the planters had concealed their stock of provisions or sent it within the lines of the enemy, but Mr. Bailey did not do so. On our arrival we were welcome to what he had, so that the Army on the one hand and the freedmen on the other swept everything. Not only did they take the pork, horses, sheep, and cattle that could be found, but the fences were burnt up for fuel, and I saw his mules driven away to the camp of the Army by some of our soldiers.

At this time, as well as in 1865, Mr. Bailey was the friend of the Army, and declared to me that everything he had on earth he would rather sacrifice than see the Union destroyed; and so far as slavery was concerned he avowed the conviction that he could do better with free than with slave labor.

Mr. Bailey manumitted two hundred of his slaves in the State of Virginia before the breaking out of the war. He was a man of immense wealth, having immense estates in Virginia, having immense estates also in the State of Louisiana, with enough slaves there to provide amply for himself and his family, with a very large estate, and he manumitted those who were in Virginia. The report of the commissioners themselves admits this man's loyalty; there is overwhelming proof of it; and I cannot see with what propriety the Committee on Claims can recommend the remission of the case to the commissioners of claims. They have given us no intimation of what their object was; they have not told us that this man was disloyal; and so far as the testimony goes it is conclusive that he was loyal to the Government.

I have so far merely stated the outside of the case. If the chairman of the committee has evidence or will state to the Senate that he has evidence of the man's disloyalty, I should like to hear it.

Mr. SCOTT. I had hoped that this case would give rise to very little discussion. The amendment is offered by the committee not for the purpose of depriving General Bailey of compensation for supplies furnished to the Army, if he is entitled to it, if he was in the language of the statute under which he claims a loyal man during the whole of the rebellion, but it is offered for the purpose of having the question heard before the commissioners of claims, so that what I shall state hereafter bearing upon his loyalty and against it can be met by him and what he offers to rebut it can be heard by the commissioners upon cross-examination of the witnesses that he produces.

Now let me state as briefly as I can the true position of this claim. The Senator from Louisiana has not looked as closely at the history of the case as he would have done, perhaps, from the statement he has made, had he been called upon to investigate it in committee. He has stated that after it was first reported by the commissioners of claims it was sent back to them, and that they had re-examined it. He is mistaken as to a matter of fact. This claim—and I state the fact from an examination of the papers—

Mr. WEST. On that point will the Senator tell me what I am to think of what I see in the CONGRESSIONAL RECORD of May 23? "Office of the commissioners of claims"—the revision of the case by the commissioners. That is what I based my statement upon.

Mr. SCOTT. I am aware that the Senator was reading from the CONGRESSIONAL RECORD and I am giving him what I get from the record; and the debate in the House has in it *ex parte* testimony just like that the Senator read, taken since the question has been mooted in Congress. I will state the position I occupy on this question.

We established the commissioners of claims for the very purpose of enabling them to examine these claims dispassionately, to do justice to the claimants and to do justice to the Government. The complaint was made in Congress that the hearings before committees were all *ex parte*, and so they were; that anybody could make out his case; and it was desired that instead of an *ex parte* hearing there should be hearings where the Government could be represented, and where the claimant could present his case. The commissioners of claims after hearing this case upon the testimony presented, first reported it, as they were required by law to do, on the 1st of December, 1872, and they reported it favorably. The Senator by referring to the record from which he quoted will see that that is the case. The bill passed the House at that session of Congress. It came to the Senate and this claim was struck out of it upon the motion of the then chairman of the Committee on Claims, the Senator from Wisconsin, [Mr. HOWE,] upon information given to him from some quarter alleging the disloyalty of General Bailey. Upon that it went back to the House, the amendment was concurred in striking out this case, but the case was not sent back for re-examination and it never has been re-examined before the commissioners. It remained in the House of Representatives, where all the papers remain under the law, the report being made to the House. When the Committee on War Claims came to make up the bill at this session they again inserted this claim in their bill and it was reported back by the com-



mittee to the House. But during the winter at some time information came to the commissioners of claims that the records of the trans-Mississippi cotton department of the Confederate States showed that two sales of cotton had been made by General Bailey to the confederacy in November, 1862, and January, 1863, that a portion of each sale had been taken by him in confederate bonds and the balance in money. That communication was sent to the chairman of the Committee on War Claims, and when the bill came before the House he moved to strike out this item, and upon that the discussion arose to which the Senator has referred. In that discussion statements, letters of General Sherman, General Sheridan, General Canby, and others were read, which had never been before the commissioners of claims at all.

Now what do we propose to do? We propose not to decide that General Bailey was a disloyal man, not to cut him off, not to strike at his case, but this testimony having come in against him—

Mr. WEST. What is the testimony that has come in?

Mr. SCOTT. If it is desired I will read it all; but I wanted to state the effect of the committee's action. As the Senator desires it, I will proceed to say what it is.

Mr. WEST. Where was that testimony taken?

Mr. SCOTT. I will tell the Senator; but one thing at a time. I have not the original book here although I have it in my committee-room, and I will therefore read an extract from a book which was obtained by purchase by our Government containing the archives of the trans-Mississippi cotton department under the confederate government—a transcript from that book of the agency which was kept by A. W. McKee, the person referred to as the son-in-law of General Bailey. This entry appears:

ALEXANDRIA, LOUISIANA.

A. W. McKee, Dr.

1862.  
Nov. 14. To cash amount paid W. Bailey for 536 bales cotton, in bonds..... \$20,000 00  
Balance paid in notes..... 18,731 44  
\$38,731 44

A. W. McKee, Dr.

1863.  
Jan. 1. To cash amount paid W. Bailey for 680 bales cotton, in bonds..... 24,100 00  
Balance paid in notes..... 30,001 64  
54,101 64

Here follows the certificate that these entries are copied from the book. Thus from this book it appears that sales were made by General Bailey to the confederate agent, A. W. McKee, in November, 1862, and January, 1863, of cotton amounting to about \$92,000, and of the purchase-money he took about \$44,000 in confederate bonds and the balance in money. That is what appears against him on the book.

Mr. MERRIMON. May I ask the Senator a question at this point?

Mr. SCOTT. Certainly.

Mr. MERRIMON. I beg to ask the Senator if there is a fact or a circumstance in this whole case that tends to impeach the entire loyalty of the claimant except that simple memorandum, and furthermore whether he is any party at all to that memorandum?

Mr. SCOTT. That is the very reason why I wish to send this case back where he can be heard. Here is a book. The book itself is in the building; I have given an extract from it; and it is as to the regular business operations of that cotton agency in which appear these two entries showing that this man, on these two days, sold this cotton. The Senator asks me if there is anything else in the case which shows his disloyalty. So far as the question of disloyalty is concerned, I am not here, as I have already said, to say that General Bailey is or was a disloyal man. I am here to say that there is evidence enough to justify these commissioners in sending in this testimony as they did and in our sending this case back to them for re-examination. I do not want to prejudge him. I want to give him a fair opportunity to be heard.

Mr. WEST. If it will not interrupt the Senator, I desire to ask a question.

Mr. SCOTT. Put the question.

Mr. WEST. The question is, whether the papers relating to this Bailey case have not been withdrawn from the Senate and put in the hands of the commissioners of claims, between the time that the Government became the owner of these papers and the time that they made the report again?

Mr. SCOTT. No, sir; so far from that, the commissioners asked whether they had the power to reopen a case and rehear it, and they obtained the opinion of the committees of both Houses that a case could not be reopened, and could not be sent back to them without an act of Congress; that after they had reported a case it was out of their hands, and it has never been back for re-examination, and there never has been a subsequent report upon it.

Mr. WEST. That is not the question I asked the Senator. I asked whether the commissioners themselves did not withdraw the Bailey papers from the files of the Senate, and have they not had them in their possession up to December, 1873?

Mr. SCOTT. Not to my knowledge.

Mr. WEST. I am told it is the fact.

Mr. SCOTT. I am informed exactly the other way. Now, Mr. President, I prefer to give these papers in the order in which they occur without interruption, and I will gladly, when I get them in, answer any question that may be asked about them.

Here are these two transactions, and I ask the attention of Senators who are listening to the dates, November 14, 1862, and January 1, 1863. It is alleged that two sales were made of this amount of cotton and that a certain portion of the proceeds was taken in bonds. On the 4th of February, 1863, a letter was written by A. W. McKee to M. M. Rhorer, a man who was in his employ. I say a letter was written, because it is a letter certified as found among the same papers and now in possession of the Government, and I will ask the attention of the Senate while I read it. It is a regular business letter written in the course of their transactions; and so that it may be seen that the points to which I make special reference come in the course of the letter, I will read the whole of it.

HOUSTON, February 4, 1863.

M. M. RHORER, Alexandria:

MY DEAR SIR: I arrived yesterday from San Antonio after a tedious trip and much delay in returning in consequence of high water, bad roads, &c.

I am in receipt of your several favors of 14th, 18th, 20th, and 25th ultimo. Contents of all carefully noted.

Col. Thos. Martin went to Richmond for money, and I hope will bring a good lot, unless the Secretary of the Treasury concludes that he would like to see some of our monthly returns ere forwarding more. This department is informed of funds en route long enough to have reached here twice. Bonds are largely in demand here at par, and in some instances at 1 per cent. premium.

Now I call attention to this sentence:

When Lasere pays you, the same funds can be used to buy with, and if General Bailey wishes to exchange \$10,000 of his bonds for notes, do so.

Now, mark it, Mr. President, a sale of cotton in November, 1862, about one-half taken in bonds; another in January, 1863, and nearly one-half taken in bonds; and this letter, February 4, 1863, in the regular course of business says, when you get this money, "if General Bailey wishes to exchange \$10,000 of his bonds for notes, do so."

Mr. BOGY. By whom was that letter written?

Mr. SCOTT. Written by A. W. McKee, the confederate agent for the purchase of cotton, the man who paid General Bailey, according to the entry, the bonds and the money—written to his clerk at Alexandria, Louisiana.

Now I ask not whether General Bailey is disloyal or not, not whether he took these bonds, for it is alleged that he did not—his affidavit is put in here since the thing is mooted saying he never had one of these bonds. When a letter is written by a confederate agent in the regular course of business, directing his clerk to exchange \$10,000 of money for bonds, is there not enough to put General Bailey on the defensive, for the purpose of showing that he did not get those bonds. We have made in the act of Congress continuous loyalty during the whole rebellion an element to be found by these commissioners before any man is paid; and if General Bailey sold cotton in 1862 or 1863 to the confederacy and took \$40,000 worth of their bonds it was an act of as high disloyalty as it would have been to give them \$40,000 worth of guns and ammunition, for cotton was their ammunition.

Mr. WEST. He had to sell it or they would take it.

Mr. SCOTT. We will come to that directly. I have his affidavit, put in here by himself since the thing was mooted, saying he never had the bonds. I produce this letter in connection with those entries not for the purpose of showing that he had the bonds, but for the purpose of saying that before we pass this claim it ought to go back before these commissioners, so that General Bailey may be permitted to meet this testimony; and if there is other testimony, as I am informed there is, bearing on this question, that it can be laid before the commissioners and they can cross-examine his witnesses.

Mr. SARGENT. Will the Senator allow me to ask him if he thinks that letter would be received as evidence in any court where Bailey was a party, a letter written by another man to his own clerk, not to Bailey, never coming to Bailey, but the simple statement of one man to another about something Bailey had done or might do, by which Bailey should not be criminated in any way?

Mr. SCOTT. I am glad the Senator puts the question. Within the last few days a pamphlet has been laid on our tables containing the affidavit of A. W. McKee, the man who it is alleged wrote this letter, and I have no doubt the Senator has seen it. It has been made in this city. He is living. When he was taken before that commission to make out the loyalty of the man who was his father-in-law, he could not tell whether he wrote that letter or not.

Mr. SARGENT. Does the Senator say he was his father-in-law at the time the letter was written?

Mr. SCOTT. Yes, sir; I believe he was.

Mr. SARGENT. No, sir; he was not his father-in-law until after the war.

Mr. SCOTT. Well, so far as that is concerned there is no exact date fixed as to when he did marry the daughter; but the Senator is mistaken in that respect. He was his father-in-law before the close of the war.

But, Mr. President, let me go on, because I am so constantly interrupted at the end of every sentence that I can hardly keep up any continuity in this statement. I was saying that there was evidence enough here to put General Bailey on the defensive for the purpose of showing whether he was loyal or not. Let me read on:

There is no objection to purchase his—

That is General Bailey's—

or your brother's cotton.

Showing, according to a statement of this agent at that time, that he takes it for granted that General Bailey's cotton can be purchased.

This follows right after the mention of General Bailey about the \$10,000—

There is no objection to purchase his or your brother's cotton; and if you can pick up enough to pay all expenses in this wise it is all right. I would not advise any alliances, however, with General B. More anon.

That sentence has been differently construed. One construction has been put upon it that General Bailey was a Union man, and there should not be any more alliance with him on that account. Another construction was that this man, writing to his familiar, his clerk, his confidant, referred to an alliance, in a playful way, to the General's daughter. I do not know which it is; but here is the letter following up these two alleged sales, showing that it was proposed, first, to exchange money with him for the confederate bonds which this agent said he had; and, second, to buy more cotton from him.

Now I go on to the other papers that are in the case. The third paper which I referred to, found among these archives, is a memorandum of G. W. Sentell's purchase of cotton for Bailey & Ward. I will not take the time to read the whole of that, but here are nine hundred and eighty-five bales of cotton purchased for Bailey & Ward, and this letter attached:

AUSTIN, TEXAS, May 12, 1864.

DEAR SIR: On my arrival at Houston I bought from Major A. W. McKee, as the agent by power of attorney from William Bailey, all the interest of the said Bailey in the nine hundred and eighty-five bales of cotton in the parish of Bossier. In the payment of the tax, &c., on the cotton, charge the same to my account.

I do not know to whom the letter is addressed, but it was written on the 12th of May, 1864, by J. T. Ward, in which he speaks of buying from Major A. W. McKee, as the agent by power of attorney, from William Bailey all the interest of Bailey in the nine hundred and eighty-five bales of cotton in the parish of Bossier.

Mr. SARGENT. If the Senator will allow me, is there anything disloyal in that one man buying cotton from another?

Mr. SCOTT. No, sir; but mark it: A. W. McKee is the agent for the Confederate States, purchasing cotton.

Mr. WEST. What is the date of that transmission?

Mr. SCOTT. One thing at a time while this cross-fire goes on between the Senator from California and the Senator from Louisiana.

Major A. W. McKee is the agent for the purchase of cotton for the Confederate States, and on the 12th of May, 1864—he had remained as agent during all of this time—J. T. Ward, in a business letter calls A. W. McKee the agent by power of attorney from William Bailey. It is alleged that William Bailey and A. W. McKee were at daggers points because McKee had married his daughter, and it is a little singular if that be so that General Bailey, a loyal man, would select the agent of the Confederate States as his attorney in fact for the purpose of selling his cotton. That is not the way in which a loyal man would act according to my experience of human nature.

Mr. WEST. Mr. McKee was not the agent at the date of that transaction.

Mr. BOGY. That was before the marriage.

Mr. SCOTT. I do not know when the marriage occurred exactly.

Mr. BOGY. I state the fact to be that it was before their marriage. Now the Senator answers that he does not know, and I know he does not know.

Mr. SCOTT. The difference between me and the Senators who have examined this case is this: I have looked all through the testimony to find the date of this marriage; I wanted to see it; I do not find it in the testimony. They have information perhaps from parties who can tell. Mr. McKee is here himself, and he has made an affidavit within the last week; but according to the statements in the testimony I drew the inference that it was very soon after this time in 1862 and 1863 that McKee married General Bailey's daughter.

I am not here, as I have repeatedly said, to argue these facts for the purpose of determining in the Senate that he is disloyal, but for the purpose of saying that before we set the precedent of paying to any man \$45,000 for supplies who in 1862 or 1863 sold cotton to the amount of \$90,000 to the confederacy, that man and the Government both should have a fair hearing. It is not General Bailey alone. That is not the question. This is the first case that has come before Congress arising out of the examination of these commissioners of claims involving the question of whether a sale of cotton to the confederacy is of itself one of those disloyal acts which should deprive a man of his claim before that commission. If you vote this case in before this testimony has been heard before the commissioners of claims, before the Government has the opportunity of being heard, it is not simply the appropriation of \$45,000, but it is opening the door to an avalanche of cases of a similar character, and the application will be made to open the door to extend the time for filing claims. It is on your table now. A bill came over from the House to-day to extend the time for filing the claims before these commissioners; and I warn the Senate that before they set any precedent it should be in a case fully heard before the commissioners of claims. This one has not been. This testimony which I have now read has all come to light since the commissioners of claims reported upon it.

Mr. ALCORN. Will the Senator allow me to ask him a question for information?

Mr. SCOTT. Certainly.

Mr. ALCORN. If a citizen of the Government of the United States as it existed at that time had purchased cotton of the con-

federate government, would the Senator take that to be a disloyal act on the part of the citizen of the United States? Would the purchase of cotton from the confederate government have been held to be an act of disloyalty?

Mr. SCOTT. I am not going to turn aside to discuss the question whether a purchase by a citizen from the Confederate States would be an act of disloyalty or not. I am discussing the question of the sale of cotton by a citizen to the Confederate States, and one question at a time is enough.

The next paper that is furnished from these archives is a list of cotton:

List of cotton purchased by M. M. Rhorer, sub-agent of A. W. McKee, general agent for Louisiana.

Date.	From whom.	Residence.	Bales.	Where deposited.
November 14, 1862..	Wm. Bailey.....	Alexandria ...	536	On his plantation.
	(Here follows a list of	sixty-nine other names.)		
May 27, 1863 .....	W. Bailey.....	Alexandria ...	21	J. P. Grimbail's plantation.

Here are three distinct sales: one November 14, 1862; second, January 1, 1863, both large amounts; and third, May 1863, for twenty-one bales. These papers show these sales, if they are entitled to credit. It may be said they are not evidence against General Bailey. I say that while they are not to be taken as conclusive evidence against him, they are that kind of evidence which when produced should bid us halt before we pay him until he has had an opportunity of meeting it and rebutting it if he can.

If the Senator from Louisiana desires to see what report these commissioners have made, here is the report, the only other report which they did make after the first report, and after this testimony came into their possession. I think, as the Senator from Louisiana has alluded to it, I will have it read, and I will send it to the desk for the purpose of having it read. The date will show when they made the communication and sent it to Congress.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF CLAIMS.  
Washington, D. C., March 25, 1874.

DEAR SIR: The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 989, show facts which we deem it our duty to report to your committee. The case having been reported by us to Congress, we do not feel at liberty to make any further investigation of it unless specially directed by that body to do so.

It clearly appears that General Bailey sold to the confederate government on the 14th of November, 1862, five hundred and thirty-six bales of cotton. His son-in-law, Andrew W. McKee, had been appointed by the confederate government, namely, in October, 1862, general agent for the purchase of cotton in Western Louisiana and Texas. The first sale made was by General Bailey November 14, 1862. This five hundred and thirty-six bales of cotton was no part of the eight hundred and thirty-four bales litigated in the United States district court for the eastern district of Louisiana in 1864. It may be perhaps the cotton referred to by General Bailey (see his testimony before the commissioners of claims of November 14, 1871, page 5) in his answers, as follows:

Question. Did you contribute anything to aid the confederate cause?

Answer. Never, one farthing, neither directly nor indirectly.

Q. Did not you have to pay taxes?

A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there.

He subsequently tells of an armed force coming out to burn his cotton; of his telling them he would sell it, &c. The statement is confused and inconsistent, the date uncertain, but might be November, 1862; and if the young man, the agent, was his son-in-law, it may identify the transaction, but will make the story of duress or an armed force very improbable.

It would seem to be clearly established by the papers now obtained that General Bailey on the 14th of November, 1862, sold, voluntarily, five hundred and thirty-six bales of cotton to the confederate government; that he was the first leading planter to so sell his cotton; and that his son-in-law was the confederate agent who bought it. It further appears from the "day-book" of the cotton agency in the custody of the Secretary of the Treasury (to which our attention has recently been called) that A. W. McKee, as confederate agent, bought of William Bailey, November 14, 1862, five hundred and thirty-six bales of cotton, and paid him therefor in confederate bonds \$20,000 and in notes \$18,731.44, making a total of \$38,731.44; also that on the 1st of January, 1863, McKee bought of Bailey six hundred and eighty bales of cotton, and paid him in bonds \$24,100 and in notes \$30,001.64; making \$54,101.64.

It also appears from the papers that one G. W. Sentell bought for William Bailey, or for Bailey & Ward, nine hundred and eighty-five bales of cotton in the parish of Bossier; that Bailey, through his son-in-law, the confederate agent, (McKee,) sold his interest therein to Ward, and that soon after the confederate government took possession of all this cotton for its own use. Considering the relations of Bailey and McKee, and that the property soon went for confederate use, it seems probable that Bailey should have shared in this purchase, and that it was made for confederate use.

It also appears from a letter found among these papers that Captain W. W. Withenburgh was an agent of the confederacy under McKee, and engaged in transporting cotton for the confederate government to market.

He was an important witness for and much relied on by General Bailey to establish both the facts and loyalty in his case. He claimed to have been loyal himself to the cause and Government of the United States. His connection with the confederate government was not made known to us at the time; but that fact would seem to have an important bearing on the credibility of the witness.

A. O. ALDIS,  
J. B. HOWELL,  
O. FERRISS,  
Commissioners of Claims.

Hon. WILLIAM LAWRENCE, M. C.,  
Chairman Committee of War Claims, &c.,  
House of Representatives.



Mr. SCOTT. It will be seen from what has already been stated, taken in connection with this last paper read, that General Bailey alleged that he sold his cotton for taxes, that he sold it because if he did not sell it it would be burned, and it has been stated here and elsewhere that a trial occurred in New Orleans with reference to this and other cotton, in which it was shown that part of the cotton which he was alleged to have sold was never delivered; the sale was canceled. Now, I call attention to General Bailey's testimony. I have the whole of it here, and I have read it carefully as to the manner in which he stated the sale of these five hundred bales. Let it be remembered that Mr. McKee has been his son-in-law. It has not been stated, although I am informed since I was on the floor before that by reference to other papers, all of which I have not brought in here, it has been discovered that in 1864 when this agent McKee was on his trial before a confederate court-martial letters were there produced from his wife in which reference was made to their child. That is pretty good presumptive evidence that they were married before 1864. In stating the sale of this five hundred bales in his testimony General Bailey stated—I do not take time to quote him—that he was compelled to sell the five hundred bales or have them burned and destroyed, and in another place that he sold that cotton in order to pay taxes. To whom does he say he sold it? He says to "a young man, the agent of the confederacy." He does not name him at all; he does not say who he was in his testimony; but says he sold it for these purposes, and for the purpose of preventing it from being burned. The testimony in other parts of the case shows that no cotton was burned in that vicinity until probably a year after that time, in November, 1863.

Let me now refer to the dates. I do not deny that there is testimony in this case showing the strongest expressions of loyalty by General Bailey; but let us look when they are professed to have been made. These sales were in 1862 and 1863. That territory was then under confederate control. In 1864 General Banks arrived on the Red River, and he occupied General Bailey's plantation, and it is for the supplies furnished to that army after its arrival that this allowance is made, not for cotton in any form. I do not wish it understood that the claim is for cotton, although a part of it is for cotton destroyed by the troops, or used by them for bedding; but the claim is for supplies furnished after the arrival of General Banks in Louisiana in 1864. Now, then, if General Bailey did sell cotton in 1862 and 1863, the expressions of loyalty after 1864 can be readily accounted for consistently with this act of disloyalty in 1862 and 1863. He became a Union man—

Mr. WEST. It was a nice time to be a loyal man down there in 1862 and say anything about it!

Mr. SCOTT. That is what I am saying, Mr. President, that he may have committed acts of disloyalty, those acts which this Government in self-protection is bound to consider acts of disloyalty in 1862 and 1863; and whatever his expressions of loyalty may have been in 1864, after the arrival of General Banks, after he was under the protection of the flag, can be accounted for very consistently with those acts in 1862 and 1863. If he is entitled to this claim on the ground of his active loyalty before the arrival of General Banks on that ground, and if he shows that these transactions are not properly represented by these books, I shall be the last man to deny him his money.

But let me go on, Mr. President. I do not wish to take up time in going over all the allegations that have been made in this case. It has been said that in a trial at New Orleans the six hundred bales were shown not to have been delivered. I have looked through that testimony and let me state what there was in that. In 1864 eight hundred and thirty-four bales of cotton were libeled. The United States claimed these eight hundred and thirty-four bales of cotton as having belonged to the Confederate States. Proceedings were instituted in the United States court, and in those proceedings a number of witnesses were examined. There is no testimony identifying the six hundred and fourteen bales which appear in the books in January, 1863, as the same cotton which made up any part of those eight hundred and thirty-four bales. There is a reference to a sale of six hundred bales, but the specific date when it was sold, or an identification with these six hundred and fourteen bales is not given; and more than that, there is nothing to know what became of that proceeding. I have inquired for the purpose of showing what became of it. The testimony is given. There is no decree. My information is that by some arrangement between General Bailey and the officers of the Government a compromise was effected in regard to that cotton, which leaves the question of whether it was confederate cotton or his cotton entirely unsettled. I do not know what that compromise was, but I have looked through the testimony and I do not find anything in it which would disprove the statements that are made and that are relied upon as coming from these books.

There is a great deal of testimony that I might refer to if I were disposed to take up and argue the question of actual loyalty. If I am compelled to vote upon that, if the friends of General Bailey insist here that this tribunal, now, upon *ex parte* testimony brought in to meet this testimony which is also *ex parte* shall decide upon his loyalty, I shall vote upon it; but I want to send him back where he will have a fair showing.

Mr. SARGENT. I hope the Senator will tell us anything he knows

against the loyalty of General Bailey. If there is anything hidden, do not use mysterious language, but let us know it.

Mr. SCOTT. I do not wish to say what A, B, and C have told me.

Mr. SARGENT. That is not proof.

Mr. SCOTT. We have erected a tribunal for hearing these parties.

Mr. WEST. And they do hear what A, B, or C says. That is the trouble.

Mr. SCOTT. And they do send in to the Congress of the United States records which show that General Bailey ought to have a fair opportunity of a hearing before them. That is what I am showing.

Mr. MITCHELL. I understand the chairman of the committee to make but one point, and that is that there is testimony before the Senate showing that General Bailey at some time or other sold certain cotton to the confederate agent, and for that reason the chairman of the committee desires that this claim should go back to the commissioners in order that they may investigate that fact. Now, I do not understand that it is claimed by any person, not even by the chairman of the committee, that General Bailey or Mr. Bailey, whoever he was, committed any other act or thing that looked toward disloyalty except the single fact of having sold cotton to a confederate agent. I ask the chairman of the committee if Mr. Bailey when he was examined as a witness before the commission did not admit before that commission that he sold certain cotton to the confederate agent, and did he not there state that the books of the confederacy would show that fact? The point I wish to make is this: was not that fact called to the attention of the commissioners when this case was before the commission, and did they not then have full and ample opportunity to investigate the whole question and pass upon it, and therefore why the necessity of referring the case back again now?

Mr. SCOTT. I will state for the information of the Senator from Oregon that when General Bailey was before the commission he did say that he had made a sale of cotton to the confederate government and gave two reasons for it. One was that he had sold it to pay taxes; the other was that he sold it because if he did not sell it it would be burned. He did say in reference to the date that their books would show the date; it was a question of date; but he said not one word about having taken part of the proceeds in confederate bonds, and that fact was not before the commissioners when they made up their finding. The fact that he sold six hundred and fourteen bales was not before the commissioners, for General Bailey referred only to the sale of five hundred bales, and in neither instance did he say a word about having taken any part of the payment in bonds. This testimony produced shows not only two sales, but two different receipts of confederate bonds and confederate money to the amount of thirty or forty thousand dollars. It shows more than that; it shows that he got money for other purposes than to pay taxes; he was buying other cotton. It shows more than that; that he had a partner in the purchase of that cotton, and this testimony shows that that partner was a disloyal man. Positive testimony, if these books are testimony, circumstantial testimony enough certainly for the Government to say that this case shall go back to the tribunal which we have constituted for the purpose at the same time of doing justice to loyal claimants and protecting the Government against improper claimants. That is all I am asking.

I go further now. As the Senator from Oregon has said that this is the only circumstance, I will say there are other circumstances. The case is developing. Since this question has been made, or since it became apparent that it was going to be discussed in the Senate, I followed it a little further, and I may as well refer to that now; and I find in the War Department among the archives from the Confederate States, not those purchased from the trans-Mississippi department, but other archives, a copy of the proceedings of a confederate court-martial in which this man McKee, the confederate agent, was tried upon charges and specifications, and one of those charges, the fourth, with different specifications, was that he had confederated with Bailey to defraud the confederate government out of about a thousand bales of cotton on Bailey's plantation.

Mr. SARGENT. I should like to ask the Senator if he brings it forward as a proof of Bailey's disloyalty that he confederated with another man to steal from the confederate government?

Mr. SCOTT. The Senator seems to assume the attitude that I am bringing testimony against General Bailey and trying to convict him.

Mr. SARGENT. The Senator said if we wanted other evidence of General Bailey's disloyalty he was prepared to give it, and I challenge him to produce it.

Mr. SCOTT. I did not say I was prepared to give it, if the Senator will pardon me. The Senator from Oregon rose and asked me if I had a single thing to show General Bailey's disloyalty except the transcript from these books.

Mr. SARGENT. The Senator is answering by reading a document showing that General Bailey aided somebody who stole something from the confederate government, as a proof of his disloyalty against the Government of the United States.

Mr. SCOTT. I have not got through with my statement. I was stating the fourth charge, containing various specifications, and I had not gone any further. Let us see what came on.

Mr. SARGENT. I will not ask the Senator any more questions. I am sorry he is so impatient of questions. I do not desire to interrupt him.

Mr. SCOTT. I am not impatient of questions at all. I have been on the floor here intending to make a calm statement of these papers from beginning to end, and every Senator who seems to be advocating the payment of this money appears to take it for granted that he must cross-examine me at every stage.

Mr. SARGENT. I only wish to apologize for interrupting the Senator; I do not desire to trouble him.

Mr. SCOTT. I only wish to get the facts before the Senate. I am not arguing the case to show disloyalty on the part of General Bailey; I am simply showing that there is enough to send this case back to the judicial tribunal; that is all.

This charge is of disloyalty to the confederate government charged against McKee. What do they charge him with? Confederating with Bailey. It does not show that they were very great enemies. True, he was charged with confederating with Bailey to defraud the confederate government out of a thousand bales of cotton belonging to the confederacy on Bailey's plantation. There is some evidence to show that Bailey had sold the cotton on his plantation to the confederate government. These are circumstances which I think General Bailey ought to have the opportunity of meeting. They are brought out.

Why did I look for this? Because an affidavit was placed in my hands by the friends of General Bailey since this case came to the committee, alleging that McKee had been in irons and he was not worthy of belief, although his testimony had not at that time been brought before the Senate. Since then it is before us in a printed statement, and finding he had been in irons I wanted to know why, and pursuing my inquiries I found that this was the reason why he was in irons. He was tried and he was sentenced to be shot. He has not been shot, for he has been here giving his affidavit.

General Bailey may explain all this; he may answer, as Senators here attempt to answer, that the allegation that he was assisting McKee to defraud the confederacy is in his favor instead of against him. If it is in his favor, let it be so. I do not withhold it. I am giving the fact, and what I introduce it for is to show that Mr. McKee's testimony has been laid on the tables of Senators since this case has been before us, and now, mark it, Mr. President, he refers to the five hundred and thirty-six bales; he gives no account of the six hundred and fourteen bales at all, although he is the man who paid the money; and I ask Senators, without reading it, to take up that *ex parte* affidavit laid before us, examine it with reference to McKee's relation to this whole transaction, and there is enough in that to show that this case ought to go back for examination.

I do not wish to take up any very great length of time in discussing this question. I had hoped it would be passed over, for I felt I was doing General Bailey a kindness in sending this case back to the commissioners of claims. When it was here before it was struck out. It remained here. Now it is put in the bill, and this testimony is before us from the commissioners of claims, showing that if this testimony had been before them at that time a different result might have been arrived at. I will not condemn him on it. He ought not to be condemned on it. It is *ex parte* testimony, but he has given *ex parte* testimony also; and now I say the proper mode of proceeding is, as we have erected this tribunal, to send the case back there and let him meet these allegations. He knows them. Let the evidence on the part of the Government, if there be more of it, be produced where he can cross-examine the witnesses, and let the case be decided upon its merits.

But, Mr. President, in a case involving the question of whether the sale of cotton in large amounts to the confederate government in 1862 and 1863 was an act of disloyalty which ought to deprive a man of the right to claim before the commission, I cannot consent without entering my protest against it that any such claim shall be incorporated in this bill, and I think a little reflection upon the consequences that are to result will satisfy the Senate that the proper mode of proceeding is to send this case back to the commissioners of claims.

Mr. SARGENT. Mr. President, the proposition that is made by the Senator from Pennsylvania, and, as I understand, the majority of the committee on claims, is that this case be sent back to the commissioners of claims in order that they may report that this man is disloyal. That is really what it amounts to, stripped of everything in the way of paraphrase. These commissioners have gone out of their way to write a document to show that they believe this man is not entitled to this relief, and now we are asked to send back this case before this tribunal which has thus pronounced judgment in advance. That is just what this proposition is, neither more nor less. If any one will read the document to be found on page 8 of the CONGRESSIONAL RECORD of May 23, which was sent up to the desk by the Senator from Pennsylvania and read, he will find that all through it there is a prejudice forcibly expressed against General Bailey and an evident desire on the part of these commissioners to get their hands again upon this case.

It is contrary to everything that is fair and just to take a case from an impartial body, as this Senate is, and send it to a court to be decided but one way. They roll this alleged newly discovered testimony as a sweet morsel under their tongues; they parade it in italics; they insist that they cannot get hold of the case because they have reported it to Congress; and they in effect solicit that it may be sent back to them in order that they may give what they esteem to be the legitimate facts of this testimony and rule this man out of court.

If there is any merit in his case, if there is anything in his testimony of loyalty, if there is anything in any consideration of the duress to which he was subjected and to which all citizens in that region were subjected in 1862 and 1863, then I want the Senate to pass upon this question, and not send it back to a tribunal so obviously prejudiced as these commissioners are shown to be by this document. I am not reflecting upon these gentlemen. I have no doubt they are following what they deem to be the line of duty; but it is an extremely narrow line, which is not tinged for a moment with any consideration of equity. For the Senate to obey their behest and send this case back to them after it has come here is simply to exclude this person from any conclusion except the one which they have drawn in these papers.

Now, sir, there is one prominent fact which stands out in this case, and that is that General Bailey sold cotton to the confederacy. That is clearly and distinctly proved. It is not so clearly and distinctly proved whether he took bonds for it or whether he took money for it. Whether he took interest-bearing obligations or non-interest-bearing obligations. Confederate money is a matter on which great stress is placed by the Senator from Pennsylvania; but to my mind it amounts to nothing. Where is the distinction? What difference does it make whether he took confederate bonds or confederate money? And yet upon that distinction they endeavor to make a point against General Bailey.

Mr. MERRIMON. The evidence taken in the case that was tried shows that he did not take the bonds.

Mr. SARGENT. Yes, sir.

Mr. SCOTT. Has the Senator read that testimony?

Mr. MERRIMON. I read a summary of the testimony.

Mr. SCOTT. I could not find any such testimony, and I read it through.

Mr. SARGENT. The Senator from Pennsylvania is a very industrious man. We have reason to admire him for the evidences of it that he shows us every day; but when he takes up a bill of nearly one hundred pages, with an item to every line, and goes through the whole bill, he cannot necessarily be as well posted on all the facts with reference to each item as Senators who have had their attention drawn to a single item of the bill, and made that a matter of investigation. Therefore, while admitting the industry of the Senator, I still insist that we who have examined this claim and all the accessible testimony upon it, and have tried to get at the facts and do what was right, have a right to claim some knowledge on this subject, even if we are not members of the Committee on Claims.

Now, sir, it is a fact with reference to the form of regulations (which was a printed form) used in the purchase of cotton by the confederate government, it was always printed in the document that payment was made in confederate bonds. I understand the testimony to be that General Bailey refused to take the bonds, if that fact makes the least difference. I only comment upon it because the Senator from Pennsylvania seemed to lay some stress on that point. But McKee, who was not on good terms with General Bailey in 1863, who seized this cotton, and seized it among the first, who compelled General Bailey to sell his cotton and to sell among the very first, sometime thereafter, writing to his own clerk, and of course knowing that the paper which was in print referred to bonds as given for cotton in this case as in all others, said perhaps bonds which are 1 per cent. premium—I suppose he meant premium over confederate currency—could probably be obtained from General Bailey by giving him money for them. That was all, and that in itself is easily explainable under the idea that this was the printed form, and this person referred to the printed form, and knowing that this negotiation had been made by which the cotton was obtained by the confederate government, supposed that there was a place where bonds could be had. For what reason he wanted them I do not know, and that is entirely unexplained.

But, sir, the great fact stands out that this man did sell more or less cotton to the confederate government. It is a mistake to suppose that that fact was found out recently by these commissioners of claims. I call attention to the language of their report on this very case. They say:

General Bailey, upon his examination in this case, swears that he did sell five hundred bales of cotton to the confederate government, or to some confederate or State agent, alleging that he was compelled to sell it to get money to pay his taxes; and if he had refused it would have been taken or burned.

They did not cross-examine him on that statement. Here was this horrible crime committed of selling cotton to the confederate government. Their extract from his testimony, as given in the letter which they now send and which has just been read at the desk, shows that they did not cross-examine him upon it. They took his statement. They did not ask him the name of the agent. The Senator from Pennsylvania thinks it is atrocious that he did not state that this man's name was McKee. Was there anything said to call his attention to that? Did they ask what confederate agent it was? They themselves placed no value upon that point, because they say "he sold it to the confederate government or some agent of the confederate government." The gravamen of the statement was that he did sell cotton to the confederate government, and that is the crime now alleged against him. These commissioners understood that. It was there in his own statement. When you afterward found the books



of the confederacy which showed that they had bought of him, it only proved what he had said that he had sold it to them. Is there anything in that fact that should cause us to refer this case back to the commissioners of claims? They follow that statement, that he did sell this cotton to the confederate government, in this way:

The cases of loyalty among the large landed proprietors of the South were so very rare, that we felt it to be our duty to investigate this case thoroughly, and after doing so we feel fully justified in reporting this claimant as loyal.

They say that after stating that he sold cotton to the confederate government. Do they want this case referred back to them in order to say that if he sold cotton to the confederate government they would be justified in reporting him as disloyal? If that is so I say the court is whimsical; that it acts on no well-considered opinion; and that we had better abolish it; at any rate we had better not send back to them cases which are doubtful, but send them only cases which are very clear, only cases involving questions of amount and not questions of principle.

I say there is nothing new discovered in this case. The parade of documents which the Senator from Pennsylvania makes and the reference to the confederate books only relate back in effect to that which was determined upon before and to this very man's testimony. He was upon the stand swearing to these very things, and this commission, in view of his affidavit to these facts, say he is a loyal man, and that cases of loyalty among large landed proprietors of the South were so rare that they felt justified in reporting this case favorably to Congress, and glad to do so.

What amount did they report? Forty-five thousand dollars. His claim was for \$105,000, and they cut down the claim of this loyal man nearly two-thirds, allowing him but two or three dollars for a ton of hay where the hay was worth thirty or forty dollars. That was the system which they followed. They cut down this highly loyal man, as they reported him to be, below the prices of the articles taken either in the confederacy or within the loyal States, and upon no distinguishable rule. They had ample testimony before them as to the loyalty of this man, and it will not do to whistle it down the wind and to say that the distinguished military men who were brought in contact with this man and who knew him, as General Sherman said he had known him for years, were entirely mistaken. They were talking about a man, as was in proof and as will not be denied, who once owned a large number of slaves on a plantation in Virginia. Under the laws of Virginia he was allowed to emancipate his slaves. He did so; he manumitted them and went off down to Louisiana. He was not allowed under the laws of that State to manumit his slaves, but it is in evidence that he treated them with great kindness; that he was an anti-slavery man—rather unpromising materials to make a disloyal man out of. In this condition the war caught him two or three years after he went down there with a large plantation on his hands. General Sherman, with reference to this man with these antecedents, says:

General Bailey, of Rapides Parish, Louisiana, personally known to me before the war, and universally recognized as a Union man throughout the period of hostilities—

Is General Sherman a man who writes without weighing what he says? He says General Bailey was universally known throughout the period of hostilities as a Union man and known to him personally before the war. There is no doubt about his identity—

appeals to me personally to befriend him with you in the matter of a claim for cotton which has been formally presented for your adjudication.

This was in relation to another matter. General Sherman goes on to state that in his official capacity he cannot meddle with such business; but he says he has a "strong personal regard" for this gentleman.

General Banks, the major-general commanding the department, says—

Mr. SCOTT. None of that testimony was before the commissioners.

Mr. SARGENT. Whether the testimony was before them or not, it is before the Senate, and it has force and weight. We are trying this case. There is no appeal from us back to these commissioners. I know of no provision of the statutes that requires us if we are in doubt to solve that doubt and ease our consciences by virtue of this commission. They are *functus officio*. They have acted on this matter, and having acted on this very point, that this man did sell cotton and having sold cotton was a loyal man, I want to know what there is to take this case back to them. You might as well send back every case against which some one whispers to you here. It is said that this case was struck out of the bill last year because somebody whispered something in the ear of the then chairman of the Committee on Claims, and you want this matter to go back again now, because of the whispers and insinuations of some persons, enemies of his very likely because he was a Union man; because he would be certified to as loyal by such men as Sherman and Canby and the whole Louisiana delegation in the House, and by Governor Wells, of Louisiana, and other undoubted loyal men all through the war. Men who know that because they were disloyal they cannot get their claims allowed will gladly whisper slanders about their neighbors who stood up under a hail of persecution that could only be exceeded within the confines of the infernal regions. The man in that region who either by wink or nod, by word or act, showed that he had any sympathy with the Yankees, with the Government of the United States in the struggle that was then going on, was a marked man, not merely ostracized from

society, but liable to be shot down on the highway. He was hauled before persecuting courts, placed under continual espionage. A man who under these circumstances could stand up and preserve anything like manhood, anything like decency, anything like loyalty to the Government, would make not one, but hundreds and thousands of enemies who would gladly follow him with their enmity to the very grave itself, to the portals of your courts, to the Senate of the United States, and whisper in the convenient ear of some Senator, anxious to do right but hurried with business, "There is something wrong in that case; there is a cat under that meal," in order that that man might be prevented from getting his claim after he had been shorn down two-thirds of the amount which had been taken from him to supply the United States Army.

Mr. MITCHELL. There was an anonymous letter sent.

Mr. SCOTT. Twice, perhaps three times, the Senator from California has used a phrase that the enemies of General Bailey or persons hostile to him are whispering in the ears of Senators allegations prejudicial to him. Of course the meaning and direction of that cannot be misunderstood. Now I wish to say that I know of no one who has brought before the committee, I know of no one who has come to me to say one word against General Bailey. All that has been done has been to put in my hands papers from the officers of the Government which have been laid before them. But a more persistent effort to put everything into my ear, through agents, attorneys, and lobbyists, in favor of this claim, I have never met. I have been waylaid on all the avenues of the capital for the purpose of throwing into my ears something in favor of General Bailey. If there are any influences here against this claim, so far as I know about them they have not been brought to bear on the committee.

Mr. SARGENT. I did not intend to suggest, and I do not think the Senator should have so understood me, anything improper on his part or that of the committee. I understood him and the committee—

Mr. SCOTT. I understood the Senator just now to say that those here who were for sending the claim of General Bailey back to the commissioners had had whispered in their ears slanders against him.

Mr. SARGENT. I made the remark, following the Senator, that at the last session this case at the last moment was dropped from the bill on account of some private communication made to the chairman of the Committee on Claims. Am I correct?

Mr. SCOTT. I cannot say whether or not. The Senator from Wisconsin [Mr. HOWE] can answer for that. He was then chairman of the Committee on Claims.

Mr. SARGENT. I repeated what was said by the Senator from Pennsylvania, rendering almost literally his words. He stated the fact I was commenting upon. I was saying that these demands could be dropped on account of private communications in the ears of Senators—

Mr. SCOTT. I made inquiry to learn whether it was true that statement was made to the Senator from Wisconsin.

Mr. SARGENT. I take the Senator as authority. I have no doubt the statement is true.

Mr. SCOTT. My information at that time was from the Senator from Wisconsin himself that such information had come to him. Whether it was whispered in his ear or where it came from I do not know.

Mr. SARGENT. When I spoke of its being whispered in the Senator's ear, of course that was a mere figure of speech. It may have been shouted to him from the house-tops; but other Senators did not hear it; and the message struck the very spot where it would reach the bill. I was simply arguing that some enemy might have done this.

The Senator speaks about the importunity which is made for this claim. Are there not importunities for all claims? Are we like the unjust judge who finally yielded on account of urging and would not on account of justice? How otherwise, I ask you, are they to get their claims recognized before Congress? It is only by bringing them to the attention of Senators and members. I do not think they are to be despised, I do not think they are to be stigmatized because they are anxious, when they are ruined by the delay of Congress, that Congress shall attend to their cases. I cannot find it in my heart to object that any man who has an honest demand against the Government shall come to me, take my time, valuable as it may be, and plead with me to listen to him while he tells me of his wrongs or his rights. I think he has a right to do so; but when it becomes so wearisome that we cannot listen under such circumstances, then it seems to me we ought to pass the claims without examination. If we cannot give the time to examine them and find out that they are right, they should pass without it. When we complain of the labor and difficulty and importunity which are borne upon us and refuse to give any hearing to supplicants, Congress had better grant their prayers. The Government cannot afford to be deaf to petitions. It had better be improvident in granting them than do injustice.

Mr. SCOTT. Does the Senator say that when a Senator refuses to be waylaid in all the avenues of the capital he refuses to listen to a claimant? I say to claimants always, "I will decide your case on the testimony presented to me; and your verbal statements are not testimony." But if the Senator is disposed to criticize the remark which I made, all the punishment I can wish to impose upon him is that he shall be associated with me upon the Committee on Claims, and he will then understand the full force of the remark which I made.

Mr. SARGENT. I have no doubt it is a very onerous position, and I endeavored to do full justice to the Senator by speaking of the industry with which he fills it. I do not wish to be understood as reflecting on him in any respect. I have certainly not spoken in any unkind feeling or in a spirit of depreciation; but I do say it is inseparable from that place and inseparable from the office of Senators that we listen to the petitions of the people, to those who have grievances to redress, to those who have legitimate claims against the Government; and the Senator exaggerates, in the same spirit that I did myself perhaps in speaking of whispers, when he speaks of being waylaid on every avenue and every corner of a street. We are not waylaid on every avenue and corner of a street. Claimants do come to our houses, and frequently come at inconvenient periods, come to our committee-rooms, sometimes lay siege to us on the streets; but they do not speak with any more importunity than they have a right to do if we should attend to their business and neglect it.

There are men who come to this capital in the bloom of youth and bright hope of manhood, ay, and women too, widows and orphans, and they see the flag go down on the 4th of March, that ends the Congress, year after year until their locks grow thin, until they are stooped with age, unable to get the ear of Congress with their importunity, and finally die, and their heirs perhaps may get the claim or may not. Is not that so? I do not say that it is a shame that Congress has done so, for I know with the burdens and the labors of forty millions of people we are overwhelmed; but I say we ought not to complain of these importunities, and if sometimes they are not in good taste the cause should speak to us if the manner of these persons does not.

But I was speaking about the loyalty of Mr. Bailey. I was quoting from the testimony of General Sherman, who speaks with life-long knowledge of him, and particular knowledge of his history during the period of hostilities. I was referring to the testimony of General Canby. General Oliver O. Howard, who is a Christian gentleman, a man of high character, a man whose word is unsullied—and I challenge contradiction of it—introduces this gentleman to General Mower, and says:

Allow me to introduce to you Mr. William Bailey, of Louisiana. I hold in my hand a very high recommendation of him as a Union man, thoroughly in sympathy with free institutions and humanity. The recommendation further calls to my mind a past record of the best character.

Calls to his mind, of his own knowledge, "a past record of the best character."

He is a planter in the vicinity of Alexandria, Louisiana. Any sympathy or assistance you may render him will be appreciated by him and afford me gratification.

These letters were written and express just what they say by men who know the meaning of language and men who are jealous of their own reputations and of that which they say, and could not be obtained by disloyal men. I ask the Clerk to read a letter signed by every one of the Louisiana delegation in the House of Representatives, testifying to their personal knowledge of this man and of his loyalty.

The Chief Clerk read as follows:

WASHINGTON, D. C., June 9, 1874.

DEAR SIR: We beg to call the favorable attention of yourself and fellow-members of your committee to the cases of William Bailey and Whitty M. Sasser, included in the "Southern claims bill" now before you. We do so, as Representatives of Louisiana, in order to express our unqualified belief that both Bailey and Sasser were consistent and faithful friends of the Union throughout the entire rebellion; and that it would be an act of great injustice to pronounce them "disloyal" on the ground that they sold certain cotton to the rebel authorities. The well-known condition of "duress" that existed at that time in Northern Louisiana, as well as the absence of any other purchasers than confederate agents, from whom currency could be obtained for paying taxes and carrying on plantation business, alike made such sales absolutely necessary in most cases; and not even a suspicion of disloyalty should, we think, be attached to Bailey or Sasser on this account.

Very respectfully,

GEORGE L. SMITH.  
FRANK MOREY.  
C. B. DARRALL.  
J. H. SYPPER.  
L. A. SHELTON.

Hon. JOHN SCOTT,

Chairman of Committee on Claims, United States Senate.

Mr. SCOTT. I know the Senator from California does not wish to do any injustice by the introduction of that letter. That letter is one that was printed in a statement that has been laid on the desks of Senators as a letter laid before the Committee on Claims. It is addressed to me as chairman. Now I say that that letter reached the committee-room after this case had been decided. It never was before the Committee on Claims at all. I only refer to it as showing the persistency with which a feeling has been worked up here, and to say that the Senator from California of course is not aware in introducing it that that was the fact.

Mr. SARGENT. Then if the committee made up this judgment without referring to this letter, this letter is valuable as additional testimony to the Senate. You have not acted on the letter. You have not acted on the consideration that GEORGE L. SMITH, FRANK MOREY, C. B. DARRALL, J. H. SYPPER, and L. A. SHELTON, honorable members of the other House, associated with us, and well known to us, speak of their own knowledge of the loyalty of this man and say that you are doing great injustice in not allowing this claim.

Mr. SCOTT. The Senator misapprehends my point. I referred him to a printed statement laid on the desks of Senators which alleges that a letter, which he has sent to the Chair and had read, addressed to me,

was before the Committee on Claims, undertaking to allege that we decided against the case notwithstanding that letter. I now state as a fact that the letter which he thus sends up reached the committee-room after the case had been discussed and was disposed of.

Mr. SARGENT. That I understand.

Mr. SCOTT. Whether it was testimony that might have weighed or not, I do not undertake to discuss.

Mr. SARGENT. That I understand perfectly, and I was commenting on that fact that the judgment of the committee was made up before this came. That does not make it any the less valuable to the Senate that Mr. SMITH and Mr. SHELTON and these other gentlemen say that they know themselves that Mr. Bailey was a loyal man. That does not make it less valuable as testimony, because it was not before the committee before they decided. That makes it more valuable, because the testimony of these gentlemen must have some weight with any man. It must have some weight with the Senate most assuredly, when five gentlemen like these say this was a loyal man according to their own knowledge. It is a misfortune in this case that their testimony was not before the committee because it probably would have changed the result; at any rate it might have made them hesitate a little longer before they came to this conclusion. But on account of its great value as the testimony of these men, I add it to that of Sherman, of Sheridan, of Canby, of Howard, and all those other eminent men who speak of their own knowledge of the record of this man, of his sacrifices in the cause of the Union, of that which he suffered from day to day on account of his adherence to the cause which seemed lost in the South; and any man who would dare to do it was the object of malignity and hate on the part of his neighbors, which we in the more settled feelings of the North had no opportunity to appreciate or to measure.

General Canby says about this gentleman, General Bailey:

This gentleman has been a great sufferer in person and in property by the rebels because he was a Unionist, and I am sorry to say by our own troops, although he was protected by a safeguard.

Is such testimony worth nothing? Has it no bearing at all? The Senator says he speaks as a friend of Dr. Bailey when he asks that this may be delayed a year. Here is a man impoverished and broken down on account of his losses in the rebellion, and the Senator speaks as a friend to him in asking that he shall go back and prove his loyalty! How shall he prove it? By calling General Sherman up to swear that he had known this man before the war and through the hostilities and that he was a constant Union man? The Senator assents. I say no, sir. I say here is the proof. Is there any doubt about the authenticity of these letters? The proof is before the Senate. It does not need to sift it through these commissioners who will not give it any value because they say this man sold cotton to the confederates, a thing which they knew before he had done, and yet said in the judgment that he was a loyal man. To send the case back for the testimony of Canby and Sheridan and Howard is a mere form. It is an insidious blow at the proposition that the man be paid, I do not care how you disguise it. You may talk about excellent feelings to this man; you may say you love him, that you do this as his friend; but I say it is an unfriendly act, whatever the intention may be, to send him back to these commissioners where there is no law requiring us to send the case back, where there is no appeal from us to them. It is to ignore all these gentlemen and go back to the written judgment you have in advance published in the CONGRESSIONAL RECORD.

With all the frankness of the man himself, not drawn out of him, he admitted that he had sold cotton to the confederacy, not being particular as to amounts or dates, because he was not cross-questioned about it, but with this admitted in advance I am in favor of disposing of this case by the Senate, and letting this man go off with the little pittance that the commissioners, even in their highest view of his loyalty, were willing to allow him out of the more than \$100,000 claimed in his account.

Furthermore, if it shall be held that in all cases where there is division of opinion in the Senate we cannot pass upon them but must send them back to the commissioners of claims, I should like to ask when we shall ever dispose of these matters? It is just as important that the commissioners shall reconsider a question as to amounts as the question said to be here involved. The principle would carry back half the cases reported by the court, and every one where a doubt could be raised by anybody.

Further, in reference to this man, he had a safeguard and he took the oath under Lincoln's proclamation. A very serious question has been discussed in both Houses of Congress whether that of itself did not entitle a party to the restoration of all his rights under the laws of Congress, where such taking did not work entire amnesty and oblivion of past offenses. But such argument is not necessary in the case of this man, because there was never anything disloyal in his conduct requiring it. It does not make any difference whether there were five hundred bales of cotton sold or subsequently six hundred more; the disloyal act was just as great in selling the first five hundred as the six hundred subsequently. The discovery of six hundred subsequently sold or any other amount does not make the man more or less a Union man. It does not make him a loyal man because he only sold five hundred bales, because there was no virtue in that. If selling cotton was disloyalty, then selling a single bale was disloyalty. Now he came forward frankly and admitted the whole case as it would be if it were sent back to the commissioners of claims; that is, that



he sold cotton. He says he did it under duress, when he had to pay his taxes, and if he did not do it the cotton would have been seized. He did not sell all he could sell, but he only sold five hundred or at most a thousand bales, and yet he had, as is admitted, on his plantations nearly three times that amount.

If he was selling because he could make a speculation by selling cotton, and selling because he wanted to put cotton which the Senator says was ammunition in the hands of the confederate government, why did he not put more there? He had it. He could have sold more. The very fact that he sold a part and no more would imply that the part he sold was what he was compelled to sell. If it was of his accord, there was the confederate government ready to take the rest on the same terms. If it was a good bargain for him to sell it or a favor to the confederates, there was an opportunity for him to extend the favor. On the contrary he only sold about a quarter of the amount which he had, and that he frankly admits. In addition to that when there was the first opportunity for loyal men to make themselves known in Louisiana, when Banks came there with his army and liberated the sentiment of the people, this man was the vice-president of a meeting which met to welcome the Union forces into that part of the country. Was that a disloyal act? Was there any necessity for it? Could he not have gone off and hid himself as disloyal men did, as other citizens of the State of Louisiana did? On the contrary he came forward with another person whose name is mentioned in this bill, and presided or assisted to preside over a loyal meeting called to welcome the United States forces. I ask if that was the act of a disloyal man? And this was subsequent to the sale of the cotton. Is this to be brushed aside like all the rest?

This proof shows that he had the same feelings he had when he went to Louisiana as an abolitionist, having emancipated all his slaves in Virginia at the great sacrifice of his property. They were worth from \$1,000 to \$3,000 apiece, and he emancipated a large number. He shows that the old abolition feeling which existed in his mind, and which necessarily and naturally made him a loyalist, still existed, and at the very first breathing spell, the first ray of light let in on Louisiana showed him with his hand outstretched to receive the Union forces and welcome them when they came there. Such a man of course ought not to be entitled to consideration; he ought, on any anonymous communication, or secret whisper, or pleading of anybody, to be deprived of the little practical right which was conceded to him in this bill! Let us haste to crucify him.

Mr. CONKLING. Mr. President, I shall vote with the committee upon this proposition; and I think it would be extraordinary, to say the least, if the Senate should override the committee. But at this moment the Senate, if it is not without a quorum, has scarcely more than a quorum present; and there is upon the table business of an executive character which it will oblige a number of Senators if we may have a short session to dispose of. The Senator having charge of this bill has no objection to an executive session; and therefore as the bill must go over in any event, I submit the motion that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Maine. I ask the Senate to yield to me to make a motion.

Mr. CONKLING. I will hear the motion.

#### DAILY SESSIONS.

Mr. MORRILL, of Maine. By the order of the Senate the hour of meeting will be twelve o'clock to-morrow unless otherwise ordered. Now in the interest of economy of time, which I am sure we all desire, I make this general proposition for the residue of the session unless otherwise ordered:

*Ordered*, That on and after to-morrow the Senate will meet at eleven o'clock a. m. and remain in continuous session until six o'clock p. m. on each day, unless otherwise ordered.

That will make it a little flexible. That will give us seven hours continuous session, about as much as human endurance will admit, according to my experience, and we are more likely to accomplish the necessary results than in any other way.

Mr. CONKLING. There is no objection to that, I imagine.

Mr. MORRILL, of Maine. I offer the order which I have just read. The order was agreed to.

#### EXECUTIVE BUSINESS.

Mr. CONKLING. Now I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I hope not.

Mr. CONKLING. The motion is not debatable; but I ask my friend to allow some of us who want a short executive session a hearing. It will not interfere with him at all if we devote five minutes to executive business.

Mr. CHANDLER. With the understanding that I shall have an opportunity to take up business from the Committee on Commerce when we come out, I shall not object.

Mr. CONKLING. The Senator can make his motion afterward.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The question is on the motion of the Senator from New York that the Senate proceed to the consideration of executive business.

The motion was agreed to—ayes 39, noes not counted.

#### A. H. VON LUETTWITZ.

Mr. SPENCER. While the doors are being closed I ask the Senate to proceed to the consideration of the bill (S. No. 633) for the relief of A. H. von Luettwitz, late lieutenant Third United States Cavalry.

There being no objection, the bill was considered as in Committee of the Whole.

The preamble states that A. H. von Luettwitz, late a first lieutenant in the Third United States Cavalry, who was cashiered from the United States service by sentence of a general court-martial on the 8th day of July, 1870, has established his innocence of the charges upon which he was so cashiered the United States service. The bill therefore directs the Secretary of War to amend the record of A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for pay and rank as if he had been continuously in service; and the amount required for the payment of this officer is appropriated out of any money in the United States Treasury not appropriated for other purposes.

The Committee on Military Affairs proposed to amend the bill by striking out the words "pay and," in line 5, and in line 6 after the word "service" striking out the words "and that the amount required for the payment of this officer be, and is hereby, appropriated out of any money in the United States Treasury not appropriated for other purposes," and to insert, "provided that nothing shall be paid to him for the interval of time from the 8th day of July, 1870, until the passage of this act;" so as to read:

That the Secretary of War be, and is hereby, directed to amend the record of the said A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service; *Provided*, That nothing shall be paid to him for the interval of time from the 8th day of July, 1870, until the passage of this act.

Mr. FRELINGHUYSEN. What amount does that call for?

Mr. SPENCER. It does not call for any money.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 733) regulating gas-works, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3584) to grant certain lands in the Territory of Arizona;

A bill (H. R. No. 3611) for the relief of Nelson Green; and

A joint resolution (H. R. No. 111) authorizing the President to negotiate with civilized powers in regard to international arbitration.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOWE, from the Committee on the Library, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEVENSON, Mr. MITCHELL, Mr. MERRIMON, Mr. CLAYTON, Mr. HITCHCOCK, Mr. PRATT, and Mr. ROBERTSON submitted amendments intended to be proposed to the bill (H. R. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPENCER, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WINDOM submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and, after eleven minutes spent in executive session, the doors were reopened.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States—to the Committee on Public Lands.

The bill (H. R. No. 3611) for the relief of Nelson Green—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona—to the Committee on Private Land Claims.

The joint resolution (H. R. No. 111) authorizing the President to negotiate with civilized powers in regard to international arbitration—to the Committee on Foreign Relations.

#### TAX ON SAVINGS-BANKS.

The bill (H. R. No. 3678) for the relief of savings institutions having no capital stock and doing business solely for the benefit of depositors, was read twice.

Mr. BOUTWELL. I should like to have the bill put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that no further collection of internal-revenue taxes shall be made on the earnings of savings-banks or institutions for savings having no capital stock and doing no other business but receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits without profit or compensation to the association or company, whether the earnings of the same have been or may hereafter be divided annually, semi-annually, or at any other period.

Mr. SCOTT. Before that bill is proceeded with, I wish to have it understood that the unfinished business is not displaced by this or by the motion of the Senator from Michigan.

Mr. CHANDLER. Certainly not; it is laid aside informally for the purpose of taking up bills from the Committee on Commerce.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### PORT OF DELIVERY AT MONTGOMERY.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

Mr. SCOTT. I understand the Senator from Michigan desires to proceed with bills from the Committee on Commerce. If the bill of which I have had charge this afternoon relating to the payment of southern claims is not displaced, as I am not well enough to remain in the Senate during the evening, I shall make no objection to his proceeding with bills of that character.

Mr. CHANDLER. I hope by unanimous consent that bill will be laid aside informally and will be left as the unfinished business for to-morrow morning.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) If there is no objection the bill to which the Senator from Pennsylvania has referred will be laid aside informally to be considered the unfinished business to-morrow.

Mr. STEVENSON. I ask the Senator from Michigan whether he proposes to bring us back here to-night?

Mr. CHANDLER. I propose to continue right on with these miscellaneous bills and not to take up the river and harbor bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery was considered as in Committee of the Whole.

The Committee on Commerce proposes to amend the bill by adding to it the following proviso:

*Provided*, That the law constituting Selma, Alabama, a port of delivery, approved January 27, 1858, is hereby repealed; this act to take effect June 30, 1874.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### JOHN HORN, JR.

Mr. CHANDLER. I move now that the Senate proceed to the consideration of House bill No. 2398.

The motion was agreed to; and the bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### BRIDGE AT LA CROSSE.

Mr. CHANDLER. I move to proceed to the consideration of House bill No. 3586.

The motion was agreed to; and the bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### LETTERS FOR VESSELS' NAMES.

Mr. CHANDLER. I move to proceed to the consideration of Senate bill No. 683.

The motion was agreed to; and the bill (S. No. 683) to authorize

the use of gilt letters for the names of vessels was read the second time, and considered as in Committee of the Whole. It proposes to amend section 3 of the act entitled "An act concerning the registering and recording of ships and vessels," approved December 31, 1792, so as to allow the name of any vessel to be painted upon her stern in yellow or gilt letters.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES DE LONG.

Mr. CHANDLER. I move to take up House bill No. 526.

The motion was agreed to; and the bill (H. R. No. 526) for the relief of James De Long was considered as in Committee of the Whole. It provides for the payment to James De Long, late consul at Aux Cayes, Hayti, \$2,816; \$1,166 of the sum so appropriated being for money advanced and expended by him for the relief of destitute colored emigrants colonized under authority of the acts of April 16 and July 17, 1862, and \$1,650 being for extraordinary expenses incurred by him at the siege of Aux Cayes during his consulship at that place.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### PROTECTION OF NAVIGABLE WATERS.

Mr. CHANDLER. I move to take up the bill (S. No. 528) to protect the navigable waters of the United States from injury and obstruction.

Mr. STOCKTON. Do I understand that these bills are called up subject to one objection?

Mr. CHANDLER. No, sir.

The PRESIDING OFFICER. The Chair does not so understand.

Mr. STOCKTON. I object to that bill, and I desire that it shall not be called up.

The PRESIDING OFFICER. The question before the Senate is whether the Senate will proceed to the consideration of the bill moved by the Senator from Michigan.

Mr. CHANDLER. If the Senator from New Jersey will pardon me, I will suggest that his colleague has an amendment which will be entirely satisfactory to the Senator from New Jersey. His colleague will offer an amendment which will be accepted. I ask that the bill and amendment be read.

Mr. STOCKTON. I would rather that at this time of the evening a bill of that kind should not be passed. It is a very important bill regulating all the harbors of the United States. But if my colleague, who understands this question quite as well if not better than I do, has examined the bill and is satisfied that it is correct with his amendment, I shall not object.

Mr. FRELINGHUYSEN. I would a little rather that the Senator should look at the bill himself, and that other Senators should do so. The effect of the bill, as I have read it, is to make it an offense not only to deposit ballast but to make any deposit in the waters of the United States without the consent of certain officers named, which is going a great way. The amendment which I was going to propose is this:

*Provided*, That nothing contained in this act shall be construed to either permit or prohibit the construction of piers, bridges, bulk-heads, or other structures, or the filling in of flats on the borders of navigable rivers.

That is an amendment which I introduced to a like bill last winter or the winter before, and which was passed by the Senate.

Mr. CHANDLER. That amendment I will accept if it is acceptable to the Senator from New Jersey.

Mr. STEVENSON. This is too important a bill to be passed without consideration.

Mr. CHANDLER. Very well; I will pass it over and go to the next bill.

The PRESIDING OFFICER. The motion to take up the bill is withdrawn.

#### OCEAN-COURSES FOR STEAMSHIPS.

Mr. CHANDLER. I move to take up Senate bill No. 368.

The motion was agreed to; and the bill (S. No. 368) to provide for the establishment of an international commission of the maritime powers to lay down ocean-courses for steam-vessels, and otherwise provide for increased safety of sea-travel, was considered as in Committee of the Whole. It provides that the President shall nominate and, by and with the advice and consent of the Senate, appoint a commissioner on the part of the United States to meet with such other commissioners as may be appointed by the maritime powers of Europe to frame such international laws and regulations as may seem adequate to secure increased safety to ocean-travel by the laying down of ocean-courses for inward and outward passages, summer and winter, of steam-vessels, by the enforced use of electric and other lights upon all steam-vessels crossing the North Atlantic or other fog latitudes, and the requirement of sufficient raft-accommodation on all iron steamers for the safety of life in case of disaster.

The Committee on Commerce proposed to amend the bill by inserting as section 2:

That the compensation of such commissioner shall be \$2,000 and necessary traveling expenses, to be certified to and allowed by the Secretary of State; and no appointment shall be made pursuant to the act until one or more of the maritime powers of Europe shall signify its readiness to appoint a commissioner or commissioners to co-operate in securing the object in the first section mentioned.

The amendment was agreed to.



The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPRAGUE subsequently said: I enter a motion to reconsider the vote on the bill (S. No. 368) just now passed, to provide for the establishment of an international commission of the maritime powers to lay down ocean-courses for steam-vessels, and otherwise provide an increased safety of sea-travel.

The PRESIDING OFFICER. The motion to reconsider will be entered.

CHARLES J. SANDS.

Mr. CHANDLER. I move to take up House bill No. 1206.

The motion was agreed to; and the bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York, was considered as in Committee of the Whole. It provides for the payment to Charles J. Sands of \$202.39 for salary due him for service as United States marshal of consular court at Chin-Kiang, China, from the 5th of October, to the 19th of December, 1865, inclusive.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

J. & W. R. WING.

Mr. CHANDLER. I move to take up House bill No. 2898.

The motion was agreed to; and the bill (H. R. No. 2898) for the relief of J. & W. R. Wing of New Bedford, Massachusetts, was considered as in Committee of the Whole.

By the bill the Secretary of the Treasury is authorized to pay to Messrs. J. & W. R. Wing, agents and managing owners of the late American whaling-bark Xantho, of New Bedford, Massachusetts, the sum of \$642.22 in gold, in full payment for expenses incurred by them for the support and transportation of the crew of that vessel after its wreck in the Indian Ocean, June 18, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. CHANDLER. I move to proceed to the consideration of Senate bill No. 775.

The motion was agreed to; and the bill (S. No. 775) to authorize the construction of a bridge over the Willamette River at Portland, in the State of Oregon, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by inserting at the end of section 1 the words:

*Provided further*, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously affect the navigation of the river; and in order to secure a compliance with these conditions, the corporation, association, or company proposing to erect the same, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously affect the navigation of the river: *Provided further*, That the Secretary of War may detail an officer to superintend the survey and examination of said river with a view to said location.

The amendment was agreed to.

The next amendment was to insert the following as section 2:

SEC. 2. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and other information, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the prescribed conditions of this act not to obstruct, impair, or injuriously affect the navigation of said river, to notify the said corporation, association, or company proposing to erect the same that he approves the same; and upon receiving such notification the said corporation, association, or company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War approve the plan and location of said bridge, and notify the said corporation, association, or company of the same, the bridge shall not be built or commenced.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF NAME OF A VESSEL.

Mr. CHANDLER. I now move that the bill (S. No. 855) authorizing an American register for the French brig Sidi, and a change of the name of said brig to that of Sea Waif, be indefinitely postponed for the purpose of taking it off the Calendar, as we have passed a House bill on that subject.

The motion was agreed to.

WILLIAM WALKER.

Mr. CHANDLER. I move next to take up House bill No. 2292.

The motion was agreed to; and the bill (H. R. No. 2292) for the relief of William Walker was considered as in Committee of the Whole. It provides for the payment to William Walker, of Milton, Wisconsin, of \$374.98, for unpaid salary as vice-commercial agent at Gaboon, from October 1, 1870, to February 12, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PROTECTION OF IMMIGRANTS.

Mr. CHANDLER. I now move to proceed to the consideration of the bill (S. No. 808) for the better protection of immigrants.

Mr. STOCKTON. That is one of a class of bills so common now in Congress interfering with private matters. I do not know how objectionable it is in its details, but I should like a vote of the Senate whether it shall be taken up or not.

Mr. CHANDLER. It is recommended by the Secretary of the Treasury, and his letter is with the bill.

Mr. SPRAGUE. It had better be laid over.

Mr. CHANDLER. Very well; let the bill go over.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MERRIMON. It is very manifest that there is no quorum present. I move that the Senate adjourn.

Mr. CHANDLER. No; let me get through. I shall be through in twenty minutes, I think. I hope the Senator will withdraw the motion. I shall be through in twenty minutes at the outside.

Mr. MERRIMON. Well, I withdraw the motion.

INFECTIOUS DISEASES.

Mr. CHANDLER. I move to take up House bill No. 2887.

The motion was agreed to; and the bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States was considered as in Committee of the Whole. It provides that it shall not be lawful to bring any vessel or vehicle coming from a foreign port or country, and affected with a contagious or infectious disease, or conveying persons, merchandise, or animals affected with contagious or infectious diseases, into any port of the United States, except under the regulations hereinafter provided.

The second section constitutes the Surgeon-General of the Army, the Surgeon-General of the Navy, and the supervising surgeon of the marine hospital service, *ex officio*, a board to make the regulations to be observed by persons controlling vessels or vehicles coming from foreign ports or countries into ports of the United States by passengers upon and persons connected with vessels or vehicles so coming, and by pilots at the several ports of entry, to the end that no persons, animals, or goods affected with infectious or contagious disease may enter the United States. The board may prescribe the times, manner, and places of performing quarantine by vessels, vehicles, persons, animals, and goods coming from foreign ports or countries, and may make all needful rules and regulations not inconsistent with law, and alter and amend the same, for the efficient execution of the purposes of the act; but no rule or regulation or amendment to the same is to have effect until approved by the President. The board is to make report annually to the Congress at its meeting in December.

Section 3 provides that there shall be detailed or assigned by the President from among the commissioned medical officers of either the Army or the Navy, or from among the surgeons of the marine-hospital service of the Treasury Department, to be selected without regard to rank, but solely with reference to skill and experience in hygiene and public sanitary science, one who shall be the secretary to the board, and shall in addition, under the direction of the board, be charged with the supervision of all matters pertaining to the establishment and maintenance of the system of quarantine provided by the act.

For the execution of the duties arising out of the act the fourth section provides that medical officers of the Army or of the Navy, or surgeons of the marine-hospital service of the Treasury Department, may be detailed or assigned, according to the exigencies of the service, with especial regard to economy and efficiency; but no person in the employment of the Government so detailed or assigned to duty is to receive any additional compensation therefor; and the President of the United States is to issue such instructions to the officers of the various Departments of the Government not interfering with their peculiar duties as shall secure the aid and co-operation necessary to perfecting and enforcing the regulations provided for.

The Committee on Commerce proposed to amend the bill in the sixth section by inserting after the words "apply to" the words "or interfere with;" so as to read:

SEC. 6. That the provisions of this act shall not be so construed as to apply to or interfere with the health regulations and quarantine measures maintained by States or municipalities; and such local systems and their appendages shall remain under the control of the respective local authorities.

Mr. STOCKTON. I regret very much to object to so many bills; but this is one of the same class, interfering with the regulations of harbors in quarantine matters. The highest power that is exercised in this country is the power to protect health. The municipal governments exercising this power go further in their action than is permitted to any other body. Why should the United States assume this power? Why should the Senate at this time of the evening pass a bill giving a jurisdiction to the United States that never has been claimed before? I cannot understand it.

Mr. CHANDLER. If the Senator will read the last section he will see that it does not interfere in any way, manner, or shape with local regulations.

Mr. STOCKTON. I listened very attentively, and I heard those words with pleasure; but while it does not interfere, it establishes a system never established before, a Federal Government system of quarantine in reference to harbors in the different States. It seems to me that that involves a great principle. I do not mean by objecting to the bill to say that there may not be some propriety in it; but it certainly ought not to be passed in this way, as there are but six or seven Senators in the Chamber.

Mr. CHANDLER. Very well; I will lay it aside.

Mr. SPENCER. I wish to appeal to the Senator from New Jersey to withdraw his objection. This bill was prepared with a great deal of care by the member of Congress from the Mobile district. The object was to keep the yellow fever out of the Gulf ports.

The PRESIDING OFFICER. The bill has been laid aside by the consent of the Senator from Michigan.

Mr. SPENCER. I was in hopes the Senator from New Jersey might withdraw his objection.

#### LIFE-SAVING STATIONS.

Mr. CHANDLER. I move to proceed to the consideration of House bill No. 2655.

The motion was agreed to; and the bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. CHANDLER. I now move to proceed to the consideration of House bill No. 1564 establishing life-saving stations, and appropriating therefor, and that it be indefinitely postponed, as it is virtually the same bill as that just passed.

The motion was agreed to.

#### LIGHT-HOUSE BOARD.

Mr. CHANDLER. I move that the Senate proceed to the consideration of House bill No. 3522.

The motion was agreed to; and the bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by striking out all after the enacting clause, and in lieu thereof inserting:

That the Light-House Board are hereby directed to cause examinations to be made, and to report to the Secretary of the Treasury what light-houses, lights, beacons, and buoys are required for the better security of navigation on the Mississippi, Ohio, and Missouri Rivers, including specific statement as to the respective localities where and by whom now maintained, where required, and estimated cost of their construction and maintenance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### REGULATION OF COMMERCE.

Mr. CHANDLER. I move to proceed to the consideration of the bill (S. No. 747) to facilitate and regulate commerce among the several States and with foreign nations.

Mr. BOUTWELL. I must object to that bill.

The PRESIDING OFFICER. Does the Senator from Michigan insist on his motion to proceed to the consideration of the bill?

Mr. SPRAGUE. Let it lie over.

Mr. CHANDLER. If the bill is objected to, I cannot insist under the present circumstances.

Mr. SPENCER. I am very sorry that the Senator from Massachusetts objects to this bill. I think it is amended so that it will not be objectionable.

Mr. BOUTWELL. I do not object to hearing it read; but unless it is changed materially from what it was when I last saw it, I must object to its consideration.

#### PROTECTION OF IMMIGRANTS.

Mr. CHANDLER. I think my friend from New Jersey will withdraw his objection to the bill (S. No. 803) for the better protection of immigrants. If the Senator would listen to a letter from the Secretary of the Treasury I am sure he would not object. I appeal to my friend to allow that bill to pass. It brings foreign ships under the same regulations now imposed on our own, and is really very important, in my judgment. The committee were unanimous.

Mr. STOCKTON. The Senator from Michigan asks me to withdraw my objection, and he is exactly in the same position as the one who told me he came near having a very fine horse. He met a man riding on a nice horse and asked him to give it to him, but the man said "no." I was trying to listen to the Senator when we were pressed with other business, hoping that I could agree with him. I will say to him candidly that it is really unpleasant to me to object to a bill when I have the power, there being no quorum in the Senate, to prevent its passage of my own volition. It is very unpleasant to me to feel obliged to resist these appeals, but, as I said when the bill was up, I really think it is a bad bill and I should not like to see it passed without other Senators examining it.

So far from the Senator persuading me to support the bill, I should like to get hold of him for two or three minutes to tell him what I think about the bill, and I feel satisfied I could persuade him that he would be sorry himself to have the bill passed. It is a bill, as I understand, taking a subject which is now entirely in the jurisdiction of the courts in the cities and States where the immigrants land, and putting it under congressional care. It is the tendency of all the bills from the Committee on Commerce. They all seem to tend in one direction. When you accomplish this object, when you have

done this thing, you will find that you have absolutely destroyed the safeguards which have been put over immigrants under the laws of the States. I do not think that other gentlemen in the Senate who are absent now would feel that I did right if I allowed the bill to go through.

Mr. CHANDLER. I wish to express my gratitude to the Chair and to the Senators who have been thus kind to me. I have no more bills to offer at present.

Mr. SPRAGUE. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and thirty-eight minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 17, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. CROOKE. I move that the reading of the Journal be dispensed with; it is very long.

Mr. SENER. I object; the House is too thin.

The Clerk commenced the reading of the Journal, but before concluding,

Mr. COTTON. I ask that the further reading of the Journal be dispensed with.

Mr. SENER. I withdraw my objection.

No further objection being made, it was so ordered.

#### REPORTS FROM THE DISTRICT COMMITTEE.

Mr. COTTON. I ask unanimous consent that the Committee on the District of Columbia have one hour this morning to conclude their reports. Under the rule they were entitled to submit their reports on Monday last, it being the third Monday of the month; but it being within the last ten days of the session they were deprived of their opportunity. I understand the gentleman from New York, [Mr. TREMAIN,] who has a motion to suspend the rules coming over from yesterday, is willing that we should take an hour now.

Mr. TREMAIN. Will my matter come up immediately afterward?

The SPEAKER. It will.

Mr. POTTER. I have an unfinished matter from yesterday, upon which a division was ordered.

The SPEAKER. The Chair will recognize the gentleman afterward.

No objection was made, and the request of Mr. COTTON was granted.

#### WASHINGTON AND GEORGETOWN RAILROAD.

Mr. COTTON. There is a bill in the hands of the Clerk, which was reported the other day by the gentleman from Illinois, [Mr. RICE.] I ask that it be now considered.

The pending bill was a bill (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, reported from the Committee on the District of Columbia with an amendment.

The bill provides that the Washington and Georgetown Railroad Company may extend its tracks in Washington City, District of Columbia, from Seventh street west, down Water street, to the intersection of P street south, thence along said P street to the west side of the arsenal gate; provided that wherever the foregoing route may coincide with the route of the Anacostia and Potomac River Railroad, on Water street or elsewhere in the District, or connect portions of such route, but one set of tracks shall be used by both companies; which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company thereby incorporated shall be entitled so to use and enjoy the tracks of such other street-railroad company, and the amount and manner of compensation to be paid therefor; and provided further, that neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping-place to await passengers, but shall only be entitled to use the same for the ordinary passage of their cars, with the ordinary halts for the taking up and the dropping of passengers.

The amendment was to add to the bill the following:

And provided further, That such railroad track shall conform to the grade established by the board of public works of the District of Columbia.

The amendment was agreed to.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. RICE. I desire to state to the House that this bill is for the purpose of allowing the Washington and Georgetown Railroad Company, already built, to extend its track about three hundred yards, not for the purpose of benefiting the company, but for the benefit of the property-owners in that region. This railroad terminates at the foot of Sev-



enth street. There are three wharves near there from which excursion steamboats run, but this railroad does not extend to those wharves. The owners of the wharves desire to have the railroad extended. The railroad company are willing to do this if permission is granted by Congress. I have been over the ground. The street is not yet paved; and the provision is made that this shall be done in conformity with the grade established by the board of public works. I believe that this measure is entirely proper for the accommodation of the people.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. COTTON, from the Committee on the District of Columbia, reported a bill (H. R. No. 3739) to amend the act entitled "An act to provide for the creation of corporations by general law," approved March 3, 1870; which was read a first and second time.

The bill was read.

The first section amends the fourth section of the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870, so as to authorize the formation of companies under the provisions of said act for constructing locks, docks, and wharves in the District; and for these and all other purposes mentioned in said fourth section subscriptions to the capital stock, or any part thereof, of such corporations as have a capital stock may be made in lands and leases of lands, or easements, rights, and privileges relating to the object of such corporations, (where the property so subscribed shall be such as it is proper that the corporation shall own for the advancement of the purposes for which it was incorporated,) at a valuation to be fixed by a board of appraisers consisting of three competent and disinterested men appointed by the supreme court of the District of Columbia or any of the judges thereof, upon a petition filed for that purpose, whose report and appraisal, to be made under oath, shall be approved by the said court; but such subscriptions shall not be otherwise received, nor shall they be so received, unless the same shall have been previously authorized by the stockholders assembled in general meeting, pursuant to a call, to consider the propriety of receiving the said subscriptions and of fixing the terms upon which they shall be received. Where property of any kind is received by the authority of the stockholders, in general meeting as aforesaid, in payment for stock, the books of the company are to be so kept as to show at all times fully what property was received for the stock, at what value, and the number of shares of the capital stock issued for the same. In all other cases money only shall be considered as payment of a subscription to any part of the capital stock.

The second section provides that the act referred to be further amended so as to authorize the formation of mutual life and fire insurance companies, which shall be subject to all the provisions of said act so far as the same may be applicable thereto.

The third section provides that Z. D. Gilman, William Dickson, William H. Pope, George W. Stickney, Charles H. Moulton, Henry D. Barr, Giles H. Edwards, William Tyler, N. G. Starkweather, and their associates, a company organized under the name of the Cottage Hill Company, for the purpose of improving certain real estate contiguous to Washington, by the construction of cottage, villa, and other residences, be authorized to organize as a body-politic and corporate under the fourth section of the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870, in the same manner and with the same rights and privileges, and subject to the same regulations and restrictions, as are therein provided with regard to corporations authorized by said act.

The fourth section declares it lawful for associations of three or more persons desirous of carrying on any lawful business within the District of Columbia to organize under the provisions of the aforesaid act; and they shall be entitled to all the privileges and subject to all the regulations and restrictions therein provided with regard to corporations authorized by that act.

Mr. COTTON. Mr. Speaker, the act of May 3, 1870, for the formation of corporations in this District purports in its terms to be a general incorporation act, but it is not so; it is somewhat restricted. Section 4 provides that—

Corporations may be formed for manufacturing, agricultural, mining, mechanical, business, insurance, mercantile, transportation, or marketing purposes.

This would not seem to include corporations for improving real estate. A corporation has been formed in this District for that purpose. This bill authorizes that company to incorporate under the general law, and it further provides that hereafter corporations may be formed for any lawful business under this general incorporation act, and that insurance companies mutual in their character may also be organized under this law. All these corporations, I will say, are confined to business within the District of Columbia. We further provide that corporations may take stock subscriptions in land where the land is deeded for the business of the corporation and for no other

business; but the consent of the stockholders is first to be obtained, and the land is to be appraised by commissioners to be appointed by one of the courts of the District. This is the effect of the provisions of the bill.

Mr. WILLARD, of Vermont. Does this bill allow real estate to be subscribed for stock in these companies?

Mr. COTTON. That portion of the bill in respect to taking land for stock was for the benefit of the wharfing company.

Mr. WILLARD, of Vermont. I understood the gentleman to say that this bill modifies the general law allowing land to be subscribed as stock. I wish to know if it so amends the law in reference to corporations simply as regards those dealing in real estate?

Mr. COTTON. Instead of passing a special law in reference to this wharfing company we thought Congress would much prefer to pass a general law. We provide in this bill where a corporation may need land for the purposes of the company it may take it in subscription for stock. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COBURN. Is this bill a charter for a mere building company? I understand the original charter was for a company to build houses. I hope the gentleman will state what was the original law.

Mr. COTTON. The original law was for various purposes. This provides that persons may incorporate in the District of Columbia for any lawful business. It is like the general incorporation law of Illinois and Iowa. That is embraced in the last section of the bill.

Mr. COBURN. What is the specific object of the bill?

Mr. COTTON. First, it authorizes corporations to take land where they need it for the actual business of the corporation, in place of insisting the stock shall all be paid in money. In the next place, it allows corporations to be formed in the District of Columbia for any lawful purpose. It is in effect a general incorporation law.

Mr. COBURN. Is this an amendment to the general law?

Mr. COTTON. There was a company organized heretofore. That seemed to be outside of the law. We legalize that company and make it a valid corporation in this law.

Mr. COBURN. But subject to the general provisions of the law in reference to corporations.

Mr. COTTON. Yes; and we cure the defect in reference to that corporation as at present organized.

Mr. COBURN. I see also a provision for life insurance companies.

Mr. COTTON. The present law does not seem to cover insurance companies. We provide they may be incorporated under this act. After specifying all these cases we put on the general provision that hereafter any persons in the District of Columbia may incorporate themselves for any lawful purpose. It is the same as the general incorporation act of Illinois and of Iowa, and I believe of other States.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I am not quite satisfied in regard to this bill. It is an attempt to establish a general joint stock company law under which all manner of associations may be organized—insurance companies, manufacturing companies, wharf companies, dock companies, &c. It allows them to subscribe not in cash alone but in real estate. It strikes me the provisions of the bill are very loose.

The gentleman from Iowa likens the bill to the general joint stock company law of Illinois and of New York State. If he will take the statute of New York—and perhaps there are others who can speak of it with more certainty than I can; but I refer to one department—if he will take the New York law in regard to insurance companies he will see that that cannot be done in any one line or any one section. It is impossible for a section to be framed to provide a general law, for the incorporation of insurance companies as it ought to be done. Here we have but a line or a section providing a general law, merely naming the companies. I would much prefer a bill like this should be carefully matured by the Committee on the Judiciary. It is a subject not lightly to be dealt with. Under it all manner of corporations can be framed in this District of Columbia. Under it there may be subscriptions, not in money alone, but in real estate and in almost anything else they may choose to pledge for stock. If in order, I move the reference of this bill to the Judiciary Committee.

Mr. COTTON. Mr. Speaker, the gentleman mistakes the bill.

Mr. HAWLEY, of Connecticut. If it appears I have mistaken it, after it has been referred to the Committee on the Judiciary and examined then it can be reported back to the House and passed. There should be some examination by that committee of the provisions of this bill.

Mr. COTTON. There was a general law passed in 1870 to which I will call the attention of the gentleman from Connecticut, and that law does contain all the safeguards to which he has referred. I have the law before me, and the gentleman can look at it. This simply provides for corporations to be formed under the general law which contains all the necessary safeguards. The last section of this bill merely provides that persons in the District of Columbia may form corporations for any lawful business.

Mr. COBURN. Will the gentleman explain the last section authorizing three persons to be incorporated for the purpose of going into any sort of business?

Mr. COTTON. That is because the old law reads that way. The fourth section of the act of May 4, 1870, provides that "at any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on," &c., may incorporate. We adopt this provision in regard to the corporation of three or more persons in this bill, because the existing law provides for the incorporation of that number of persons. And instead of limiting their incorporation to certain business purposes, we provide that they may be incorporated for any lawful purpose. And that is exactly in accordance with the laws in the States. We are careful to confine them in their operations to the District of Columbia.

Mr. BUTLER, of Tennessee. Would that authorize the grangers to be organized as a corporation?

Mr. COBURN. It would authorize the organization of almost anything. In the States, as I understand it, the power to incorporate is given for certain specific business purposes, and not for any purposes whatever. The acts of incorporation in the States mention the purposes for which organizations can be incorporated.

Mr. COTTON. The gentleman is mistaken. They do not. The statutes in the States include this very language: "And persons may incorporate for any lawful purpose." And I ask my friend why they should not be allowed so to do; why they should not be allowed to incorporate for the purpose of engaging in any lawful business as to incorporate for the purpose of building houses or railroads? The general law, the act of 1870, has in it all the safeguards desired by the gentleman from Connecticut.

Mr. HAWLEY, of Connecticut. My objections to the bill have not been removed. I find that in the first section the existing law is so amended as to authorize the formation of companies, under the provisions of said act, for constructing locks, docks, and wharves in said District; and that, for these and all other purposes mentioned in said fourth section, subscriptions to the capital stock, or any part thereof, of such of said corporations as have a capital stock, may be made in lands and leases of lands, or easements, rights, and privileges relating to the object of such corporations. I do not see but under this, if I had a right of way across my neighbor's back yard, I might subscribe that as a part of the stock of a corporation for improving the wharves of the city.

Section 3 proposes to incorporate certain individuals, or to provide for their being incorporated under the general law, as the Cottage Hill Company. I wish to ask is this a general law providing for the incorporation generally of joint-stock companies or a special law for the Cottage Hill Company? The bill is partly in print and partly in manuscript, so that there is a difficulty in understanding what it does precisely provide for.

Section 4 provides—

That hereafter it shall be lawful for associations of three or more persons desirous of engaging in any lawful business within the District of Columbia, to organize under the provisions of the aforesaid act, and they shall be entitled to all the privileges and subject to all the regulations, &c.

That is to say, that there shall be no longer any individual liability.

Mr. DAWES. Does the gentleman mean to say that by this bill any three persons can get incorporated for any business?

Mr. HAWLEY, of Connecticut. Yes, for any business under the sun. Under the provisions of this bill any three persons may form a mutual or general stock life insurance company, and carry on its operations all over the Union. And I may subscribe part of my back lot as part of the stock of such a company.

I move that the bill be referred to the Committee on the Judiciary.

Mr. COTTON. I have the floor and do not yield to the gentleman for that purpose. I think I know as much about corporations and the general corporation law as my friend does who has just spoken, and I wish to call the attention of the House to the fact that at this very time, under the law passed in 1870, three persons can form a corporation in this District for insurance purposes or for any purpose authorized by this law. The gentleman from Connecticut objects to this bill because it authorizes generally an incorporation for all lawful purposes, and the gentleman from Massachusetts [Mr. DAWES] inquires whether or no it authorizes three persons to form a corporation. The gentleman seemed to indicate surprise that there should be a provision of that kind in this bill.

Now if you look at the act of 1870 you will find that Congress at that time authorized three persons to form a corporation for insurance business and for a great many other purposes. The fourth section of the act reads:

That at any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, or marketing business in the District of Columbia, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the register of deeds, a certificate in writing, in which shall be stated the corporate name of the said company and the objects for which said company shall be formed, &c.

But in this bill certain objects are specified. It was thought that the purposes for which this corporation is formed might not come under the head of "manufacturing business." Therefore to secure their organization they require this act, that their corporation may be legalized. Then a company has been organized to carry on mutual insurance business. They were afraid that the language of the act of 1870 might not cover them, and so we provide that they shall be included in the law. And then, to avoid the questions arising, that

have several times required special legislation to cover the particular purpose for which a company sought to be incorporated, we put in this fourth section, which gives the same right of incorporation as is given in the several States of the Union.

As to the taking of land, the bill only provides that they shall take land where it is necessary for the particular purposes of the corporation, such as for maintaining a wharf. Such a case was brought to our attention where the party owned the land which he desired to put into the company, and this is to enable that to be done without the party being first required to pay the money and then after paying in the money going through the form of receiving it back for the land; but the committee were careful to so limit the bill that land is not to be taken for any purpose except simply for the actual use of the corporation in its business, and this with the consent of the stockholders and after approval by commissioners appointed by the courts of the district. We have given this bill, we think, ample care, and believe that there is nothing wrong or mischievous in it.

Mr. HOLMAN. I desire to ask the gentleman a question, and that is in what manner the liabilities of this corporation are intended to be secured, and to what extent there is individual liability on the part of the corporators? It seems that any three persons may constitute a corporation for any purpose under this bill. Are they mere partners, with entire liability for the debts of the corporation, or is the corporation alone as such responsible for its debts?

Mr. COTTON. The liability against the parties who may be benefited by this act will be just the same as it is now under the general corporation act of the District to which I have referred, and I will call the gentleman's attention to a section of that act. It is as follows:

No stockholder shall be personally liable for the payment of any debt contracted by any company formed under this act which is not paid within one year from the time the debt becomes due, unless a suit for the collection of such debt shall be brought against such company within one year after the debt became due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in any such company, for any debt contracted by said company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

That, of course, applies to this bill as well as to the old law, and it goes beyond the laws of most of the States in making these parties liable.

Mr. POTTER. To what extent are they liable?

Mr. COTTON. There is no limit except as to time.

Mr. HOLMAN. What the gentleman has read is an exception in favor of the stockholders. Where is the affirmative section or clause that creates the liability of stockholders?

Mr. COTTON. This says that they shall be personally liable for the debts.

Mr. HOLMAN. That says that no stockholder shall be personally liable for the payment of any debt.

Mr. POTTER. There must be a section which fixes the liability, of course.

Mr. COTTON. Here is the section:

The stockholders of any company organized under the provisions of this act shall, jointly, severally, and individually, be liable for all debts that may be due and owing to all their laborers, servants, and apprentices, for services performed for such corporation, and shall be individually liable for all debts of said corporation to the amount of the stock of each stockholder.

And now, Mr. Speaker, I move the previous question on the bill.

Mr. POTTER. I desire to ask the gentleman a question or two.

Mr. COTTON. Let the previous question be sustained and then I will yield to the gentleman for any question.

Mr. POTTER. I merely want to ask some questions; I do not care when I do it.

On seconding the previous question there were—ayes 34, noes 35; no quorum voting.

Tellers were ordered, and Mr. HOLMAN and Mr. COTTON were appointed.

The House divided; and the tellers reported ayes 19 noes not counted.

So the previous question was not seconded.

Mr. HAWLEY, of Connecticut. I now move that the bill be referred to the Committee on the Judiciary, not to be brought back by a motion to reconsider.

The motion was agreed to.

#### BALTIMORE AND OHIO RAILROAD COMPANY.

Mr. PELHAM, from the same committee, reported back with amendments, and with the recommendation that it do pass, the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

The bill was read, as follows:

That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct a lateral road, from any point on its Washington branch, into the county of Washington, in the District of Columbia, to intersect the Metropolitan branch thereof at any point in said county and District outside of the city of Washington: *Provided*, That such work shall be completed within five years after the passage of this act.

SEC. 2. That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March 2, 1831, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio road into and within the



District of Columbia" and the supplements thereto shall apply, and they are hereby declared to apply, as far as they are applicable and in conformity to the provisions of this act, to the location, construction, and use by said company.

The amendments reported by the committee were read, as follows:

In section 1, after the words "Washington branch," insert the words "one and a half miles north of Boundary street."

After the words "any point," in line 7, insert the words "one mile north of Boundary street."

Strike out in line 9, in section 1, the word "five" and insert the word "two."

Add to section 1 the following:

The said line shall avoid all Government property, and the point of intersection as well as said lateral branch to be approved by the engineer of public buildings and grounds.

Add to section 2 the following:

This act may be altered, amended, or repealed.

Mr. ELLIS H. ROBERTS. Will the gentleman tell us the object and purpose of this bill?

Mr. PELHAM. The only object is to enable the Baltimore and Ohio Railroad to make a junction with the Metropolitan branch one and a half miles outside of the city of Washington; that is all there is in it. They are to build the road at their own expense, and the line is to be approved by the engineer in charge of the public buildings and grounds of the city of Washington. It does not interfere with anybody or with any property, and does not ask for any appropriation. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to.

The bill, as amended, was then read the third time, and passed.

Mr. PELHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### REGULATING GAS-WORKS.

Mr. COTTON. I ask that Senate bill No. 733, regulating gas-works, in charge of the gentleman from New York, [Mr. SESSIONS,] may be considered during our hour, it being a bill relating to this District.

No objection was made.

Mr. SESSIONS, from the Committee on Public Buildings and Grounds, reported back, with amendments, Senate bill No. 733, regulating gas-works.

The bill provides, in the first section, that from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gas-light company, person, or persons, in the city of Washington, District of Columbia, shall be equal to sixteen candles by the Bunsen photometer, using the English parliamentary standard Argand burner, having fifteen holes and a seven-inch chimney, consuming five cubic feet of gas per hour; and such gas shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet, nor more than five grains of ammonia in any form in one hundred cubic feet; that when the illuminating gas supplied by any company, person, or persons in the city of Washington, District of Columbia, shall at any one time be of less illuminating power or of less purity than according to the standard just heretofore given, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of \$100, to be recovered before the proper tribunal and paid into the treasury of the city of Washington aforesaid, for each and every day during which such violation shall continue; provided, however, that if it shall appear that such deviation from the above-named standards could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, then the said penalty shall not be enforced.

The second section provides that a suitable and impartial person, competent as a chemist, who is not a stockholder or employé in any gas-works, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to be designated and known as inspector of gas and meters, whose compensation shall be a salary of \$2,000 per annum, and whose duties shall be to test and determine the illuminating power and purity of the gas furnished by any company, person, or persons in the District of Columbia; and to test, prove, and seal all meters that may be hereafter used by them; and that a suitable person, who shall be a gas-fitter by trade, shall be appointed by the President, as aforesaid, on the recommendation of the inspector of gas and meters, as an assistant inspector, at a salary of \$1,000 per annum, who shall assist in the duties specified under the direction of the inspector of gas and meters.

The third section provides that a laboratory shall be provided and fitted up by the Washington Gas-light Company, subject to the approval of the inspector, in the central part of the city of Washington, at a distance, as near as may be, of two thousand feet from any gas works, and furnished with suitable apparatus for the transaction of the business of the inspector and assistant inspector, for which it is intended, and the laboratory shall be kept open on all business days between the hours of eight o'clock in the forenoon and five o'clock in the afternoon; provided that the cost of fitting up said laboratory shall be paid for by each gas company in the District of Columbia in proportion to their sale of gas in 1873.

The third section provides that the company, person, or persons furnishing the gas may, if they see fit, on each occasion of the testing of the gas by the inspector or assistant inspector, be represented by some officer, but such officer shall not interfere in the testing.

The fifth section provides that daily inspections, Sundays excepted, shall be made in conformity to the intent of this act, between the hours of five and eleven o'clock in the afternoon, and a record shall be kept of each inspection, giving the illuminating power and purity, which shall be open to the public, and a copy of the daily inspection shall be furnished the following day to the company, person, or persons furnishing the gas, Saturday's inspection to be furnished on Monday, and a full report for the month to be furnished, upon request, to any daily paper printed in the city of Washington on the day of their publication next after the 24th day of each month, to include each day's test from the date of previous publication, and giving the average illuminating power for the month.

The sixth section provides that all bills for gas furnished by any company, person, or persons shall state the average illuminating power for the month; and if the same shall fall below sixteen candles, as in this act prescribed, then the amount of the bill shall be reduced *pro rata*.

The seventh section provides that in testing meters, the inspector or assistant inspector shall ascertain whether the meter is of proper construction, and requires only the pressure of a column of water indicated by the water-gauge, commonly used for such tests, of one-fourth of an inch high to work it, and whether it works regularly and correctly, and registers exactly the amount of gas passing through it, first, at the rate the meter is marked to supply; secondly, at one-third its rate; thirdly, at twice its rate; that the standard foot shall be one cubic foot, containing 62.32 pounds, avoirdupois weight, of distilled water at the temperature of 62° Fahrenheit, and with a barometrical pressure of thirty inches; and meters registering within 2 per cent. either way of the exact number of such feet passing through them at the first-named rate, and within 3 per cent. at the second and third rates, and no others shall be deemed accurate and be stamped by the inspector; and that the inspector shall keep at the laboratory a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times to the public for any reasonable examination by any company, person, or persons having any interest therein.

The eighth section provides that any gas-meters now in use shall be proved and tested on the written request of the consumer of gas on whose premises it may be, and in his presence, if he requires, upon the payment in advance to the inspector or assistant inspector of fifty cents for each and every meter inspected, proved, and sealed, and if any such meter, on being tested, shall be found to register inaccurately to the injury of the consumer to an extent exceeding 2 per cent., the fee of fifty cents shall be returned to the person applying for said inspection and be paid to the inspector by the company, person, or persons supplying the gas; and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than 2 per cent., and a record shall be kept of the same and of all fees so collected; that all meters hereafter used by any gas company, person, or persons shall be first inspected, proved, and sealed at the laboratory provided for by this act; and for such inspection, proving, and sealing the company, in the first instance, and thereafter the company, person, or persons applying to have the meter inspected, shall pay fifty cents for each meter, a record of which shall be kept and of the fees so collected; and all fees shall be applied to the payment of the expenses for maintaining and keeping in good order and repair the laboratory and apparatus.

The ninth section provides that each company, person, or persons manufacturing illuminating gas in the District of Columbia, shall, when required, in writing, by the inspector of gas and meters, bring to the laboratory any meter that may have been required to be inspected, proved, and sealed, and to return the same to its proper place after such inspection; and it shall not be lawful for any other party or person to remove and return meters.

The tenth section provides that the inspector and assistant inspector of gas and meters shall each give bonds to the extent of double his annual salary, and shall each take an oath or affirmation, before some officer legally qualified to administer the same, that he will faithfully, diligently, and impartially discharge the duties of his office.

The eleventh section provides that the Washington Gas-light Company shall be authorized, on and after the passage of the act, to charge and receive for coal-gas furnished to and paid for by the Government of the United States at the rate of \$2.50 per one thousand cubic feet; and when furnished and paid for by other parties, or by the inhabitants of the city of Washington, at the rate of \$2.75 per one thousand cubic feet; provided that if the party or inhabitants so furnished shall pay monthly any bill within seven days after the same shall have been presented, said party shall be entitled to a discount upon the amount of such bill at the rate of twenty-five cents per one thousand cubic feet. And all laws authorizing any higher rates are thereby repealed.

The twelfth section provides that the Washington Gas-light Company shall be authorized and required to furnish illuminating gas to the government of the District of Columbia within the distance of fifty yards from any of their mains, on the same terms as to the Government of the United States, and in case of the non-payment of any monthly bills by the said District beyond the period of ten days from the time of presentation, the company shall be entitled to demand and

receive interest thereon from date until paid; that the said company shall light, extinguish, keep clean, and repair the Washington City street-lamps at the uniform price of forty dollars for each lamp per annum, to burn two thousand two hundred hours per annum, with a six-foot burner on each lamp, subject to any regulation that may be prescribed by the city authorities as to the time of lighting and extinguishing the same, and any extra number of hours to be charged and paid for at the same rate; provided that the city of Washington shall furnish, when necessary, new lanterns to replace old ones, and shall furnish and pay for the reasonable expense of erecting new lamp-posts to replace such as are old, damaged, and unfit for use.

The thirteenth section provides that if any person or persons, supplied with gas, neglect or refuse to pay the amount due for the same, such company may stop the gas from entering the premises of such person or persons; and that in no case shall the officers, servants, or workmen of the company remove a meter from premises supplied by the company, unless by consent of the consumer, without first giving forty-eight hours' notice in writing by leaving the same at the premises of the consumer; and said removal shall take place only between the hours of eight o'clock in the forenoon and two o'clock in the afternoon.

The fourteenth section provides that it shall be lawful for Congress at any time hereafter to alter, amend, or repeal the act, and all acts and parts of acts inconsistent therewith are thereby repealed.

The fifteenth section provides that any person who, with intent to injure or defraud any gas company of the District of Columbia, shall make or cause to be made any pipe, tube, or other instrument or contrivance, or connect the same or cause it to be connected with any main, surface pipe, or other pipe for conducting or supplying illuminating gas, in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice by which any illuminating gas is consumed, around or without passing through the meter provided for measuring and registering the amount of gas there consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months or by fine not exceeding \$250.

The sixteenth section provides that the price which may be charged for gas by the Washington Gas-light Company shall be uniform and the same to all consumers, and any reduction made in the price or cost of gas to any person or persons, except the officers of the company, shall furnish a legal right on the part of any other person or persons to demand gas at the same cost or price.

The first amendment reported from the committee was in section 11, to strike out "coal," before "gas," and insert "illuminating."

The second amendment was to add to section 11 the following:

*Provided*, That when the price of gas-coal delivered at the works of the Washington Gas-light Company shall advance to \$8 per ton, the price of gas to consumers may be advanced 10 cents per thousand cubic feet, and an additional 10 cents per thousand feet for each additional dollar per ton that gas coal may advance in price; and in like manner a reduction of 10 cents per thousand feet shall be made for each and every dollar per ton that gas coal may fall below \$7 per ton; and for that purpose the Washington Gas-light Company shall in the month of May in each year furnish the Secretary of the Interior with a statement of all their coal contracts or purchases for the ensuing year, sworn to before a justice of the peace by their engineer or secretary, and the advance or reduction of price shall take place on the 1st of July ensuing.

Mr. SESSIONS. I now call the previous question on the bill and amendments.

Mr. O'NEILL. I desire to offer an amendment.

Mr. SESSIONS. I do not yield for that purpose.

Mr. LEACH. Has not the hour of the Committee on the District of Columbia expired?

The SPEAKER. It is about expiring.

Mr. LEACH. I hope this bill will be referred to the Committee on the District of Columbia.

The SPEAKER. The question can be fairly tested by the House on seconding the call for the previous question.

Tellers were ordered; and Mr. O'NEILL and Mr. SESSIONS were appointed.

The House divided; and the tellers reported that there were—ayes 117, noes 31.

So the previous question was seconded, and the main question was then ordered.

The amendments were agreed to; and the bill, as amended, was then read a third time.

The question was upon the passage of the bill.

Mr. O'NEILL. I move to lay the bill on the table.

The motion was not agreed to, there being ayes 11, noes not counted.

The question recurring on the passage of the bill, it was passed.

Mr. SESSIONS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### REGULATION OF CONGRESSIONAL ELECTIONS.

The SPEAKER. The House resumes the consideration of the motion of the gentleman from New York, [Mr. TREMAIN,] to suspend the rules and pass the bill (H. R. No. 1979) reported from the Committee on the Judiciary, entitled "A bill to preserve the ballots cast at, and all papers connected with, elections held for Representatives or Delegates to Congress, and for other purposes." When the House comes to order the bill will be read. The Chair observes that some persons

admitted to the floor, not by right but by favor, are abusing the courtesy granted to them.

#### SMOKING IN THE HALL.

Mr. NIBLACK. I desire to give notice that during the remainder of the session I shall insist upon a strict enforcement of the rule against smoking anywhere in the Hall. It is exceedingly offensive to me under all circumstances. The air in this Hall is at best very impure.

The SPEAKER. It is in gross violation of the rules of the House for any gentleman to smoke in the Hall.

Mr. NIBLACK. I shall, without regard to any feeling of personal delicacy, insist upon the enforcement of the rule under all circumstances both day and night.

#### REGULATION OF CONGRESSIONAL ELECTIONS.

The Clerk read as follows the bill as amended by the Committee on the Judiciary:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the ballots, lists of voters, tally-sheets, and all other papers connected with any election hereafter held for Representative or Delegate in Congress shall be preserved and safely kept by the lawful custodians thereof in the several States until the adjournment of the first session of the Congress next thereafter to be affected by said election.

SEC. 2. That either party to any contest in the House of Representatives may, when there is an allegation in either the notice of contest or the answer thereto, that a portion of the ballots cast at any precinct or precincts at an election held for Representative or Delegate in Congress have been fraudulently changed previous to the count thereof, or falsely counted, have a subpoena, in accordance with the law governing contested elections, directed to said custodian, who shall produce, as required therein, the ballots, lists of voters, tally-sheets, and all other papers connected with said election in his custody or control, and the same may, after the usual notice to the contestant or contestee, be examined and compared before any person authorized to take depositions in contested elections; and said person shall certify, under his hand and seal, and forward in the manner provided by law, said examination and comparison, and the result thereof, to be used as evidence in the case.

SEC. 3. That said ballots, lists of voters, tally-sheets, and all other papers produced in response to said subpoena shall immediately, after the examination and comparison thereof, be returned to the lawful custodian in the same condition as when produced.

SEC. 4. That any custodian of the ballots cast at any election for Representative or Delegate to Congress who shall willfully neglect or refuse to safely keep and preserve the same, and the lists of voters, tally-sheets, and all other papers connected therewith, or who shall willfully neglect or refuse to produce the same as required in this act, shall forfeit and pay the sum of \$1,000, to be recovered, with costs of suit, by the party at whose instance the subpoena was issued, and for his use, by an action of debt, in any court of the United States, and shall also be liable to an indictment for a misdemeanor, and be punished by fine and imprisonment at the discretion of the court.

SEC. 5. That at all elections for Representative or Delegate to the Congress of the United States, the vote at each election precinct shall be counted at the close of the election by the managers and officers conducting such election, in the presence of such managers and of the supervisors (if any there be) appointed under the act of Congress in such cases made and provided, whose duty it shall be to attend for that purpose; and the result of the ballot at such precinct shall be thereupon announced and made public; and any such manager, officer, or supervisor willfully neglecting or refusing to perform the duties imposed by this section shall be guilty of a crime, and, upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, and imprisoned in the penitentiary not less than three months and not more than two years, one or both, at the discretion of the court trying the same.

SEC. 6. That any person using fire-arms, or proposing or threatening to use fire-arms, or other deadly weapons offensively against individuals, or assemblages of individuals, at or near the place and on the day or days of any election of a Representative or Delegate to the Congress of the United States, for the purpose of intimidating or injuring such person or persons, either before or after the election, or while the same is progressing, shall be guilty of a crime, and upon conviction shall be fined not less than \$500 nor more than \$1,000, and imprisoned in the penitentiary not less than one year nor more than three years, one or both, at the discretion of the court trying the same: *Provided*, That the open or concealed carrying of fire-arms or other deadly weapons at such election shall be taken as presumptive evidence of the intent to intimidate under this act.

SEC. 7. That whenever, in any city, town, county, or parish there shall be fifty voters thereof, who, not less than fifteen days prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or, if there be no registration, at least fifteen days prior to any election at which a Representative or Delegate in Congress is to be voted for, shall petition, in writing, to the judge of the circuit court of the United States for the circuit wherein such city, town, county, or parish shall be, to have an election precinct and voting place established at some convenient place, to be designated in said petition, it shall be the duty of the said judge of the circuit court, within not less than ten days prior to said registration, if one there be, or, if no registration be required or had, within not less than ten days prior to said election, to hear and determine said petition; and if it appear to said judge that notice of the presentation of said petition has been posted up in said city, town, county, or parish, at the place where it is proposed to establish a voting place, not less than five days prior to the presentation of the petition, and stating at what time and place said petition would be presented, and that no legal voting place exists within six miles of the place where said petitioners pray to have a voting place established, said judge shall make an order establishing an election precinct and voting place as prayed for by said petitioners, and the same shall be a legal precinct and voting place for the election of Representatives or Delegates in Congress: *And provided*, That in any city having less than one voting place to each six thousand of its population, or fraction thereof over six thousand, according to the then last census of the United States, said judge may establish one additional voting place for such additional six thousand, or fraction thereof, at some convenient point within not less than one-half mile of any other legal voting place: *And provided further*, That said judge, in establishing precincts and voting places as herein provided, and in appointing supervisors for the same, shall possess the same power and authority conferred by the act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" approved February 23, 1871, and for that purpose may sit either as a court or at chambers.

SEC. 8. That in case the registration officers appointed under the authority of any State or Territory shall refuse or neglect to give the persons entitled to vote at any precinct or voting place established under the provisions of the last preceding section an opportunity to register in the manner required by law for legal election precincts, such refusal or neglect shall not disqualify the persons entitled to register and vote at said precincts from voting.



SEC. 9. That the district courts of the United States within their respective districts and the circuit courts of the United States within their circuits, respectively, shall have concurrent jurisdiction of offenses committed against the provisions of this act.

SEC. 10. That at any election for Representative or Delegate to the Congress of the United States, it shall be unlawful for any person to vote more than once or to cast more than one ballot for such Representative or Delegate; and any person voting more than once or casting more than one ballot, or attempting to cast more than one ballot, at such election for Representative or Delegate to the Congress of the United States shall be guilty of a crime, and upon conviction thereof shall be fined not less than \$100 and not more than \$1,000, and may be imprisoned in the penitentiary not less than one year and not more than three years, at the discretion of the court trying the same.

SEC. 11. That upon the application in writing of ten persons who are qualified voters and residents of any congressional district in which it is desired to have supervisors of election appointed, to the circuit judge of the United States whose circuit embraces such congressional district, said judge shall appoint and designate one United States commissioner residing at some convenient place in the congressional district who shall have power to appoint supervisors of election at each voting place in the congressional district as hereinafter provided.

SEC. 12. That it shall be the duty of the United States commissioner appointed and designated by the circuit judge, as provided in the foregoing section, upon the application in writing of at least ten qualified voters, residents of any county or parish of the congressional district, to appoint two supervisors of election, who shall be qualified voters in and residents of the congressional district, for each precinct in the county or parish named in the said application as a precinct where it is sought to have supervisors of election appointed; and such supervisors so appointed by the commissioner shall take the oath of office, and shall possess all the powers, perform the duties, and be liable to the penalties now provided by law for supervisors of elections of Representatives or Delegates to the Congress of the United States.

SEC. 13. That whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any congressional district, the marshal for the judicial district in which said congressional district, or any part thereof, is situated, shall, upon the application of ten citizens residents of any county or parish in such congressional district, appoint special deputy marshals, whose duty it shall be to aid and assist the supervisors of election in the verification of any list of persons who may have voted; to attend in each election district or voting precinct at all times for holding elections at the polls in such district or precinct; and who shall possess all the powers and perform the duties as now provided by law of such special deputies in cities or towns of twenty thousand inhabitants or upward.

SEC. 14. All laws and parts of laws contravening the provisions of this act are hereby repealed.

During the reading of the bill,

Mr. ELDREDGE said: I observe that the Clerk does not read the sixth section of the printed bill.

The SPEAKER. That section has been stricken out in the bill presented by the gentleman from New York, [Mr. TREMAIN.]

Mr. ELDREDGE. How could the gentleman do that?

Mr. TREMAIN. I was directed by the committee to report the bill striking out that section in regard to furnishing intoxicating liquors to voters.

The SPEAKER. At all events, no question can be raised upon the matter, because the motion is to suspend the rules. The bill is not presented in the shape of a regular report.

Mr. ELDREDGE. I did not understand that the gentleman was instructed by the committee to report the bill with the section omitted.

Mr. TREMAIN. It is true, however; otherwise I should not have so reported it.

Mr. ELDREDGE. Well, that is one of the rotten planks of the bill; I am very glad to have it out.

Mr. TREMAIN. I supposed striking out the liquor clause might induce some of my friends on the other side to vote for the bill.

Mr. ELDREDGE. But it would induce as many on the gentleman's side to vote against it, and therefore nothing would be gained by the gentleman's proposition.

The Clerk concluded the reading of the bill.

Mr. COX. I appeal to my honorable colleague [Mr. TREMAIN] to allow some debate on this bill. When the bill was before the House the other day—

Mr. TREMAIN. I have no power to allow debate. The rules of the House regulate that.

Mr. COX. This bill requires debate; and I hope it will not be pressed through in this way.

Mr. TREMAIN. It is a very simple bill; it does not require any debate.

Mr. COX. It is a complicated, multifarious bill; and it is a very bad bill.

Mr. TREMAIN. It is a very simple bill. It merely provides for an honest and fair election. That is all.

Mr. ELDREDGE. It provides for no such thing as an honest and fair election. It provides for the destruction of the States, and placing them utterly in the control of Federal power. It takes away all State rights.

Mr. HAYS. I object to debate.

Mr. BECK. I move to amend the titles so as to read—

The SPEAKER. No debate or amendment is in order.

Mr. COX. Will my colleague [Mr. TREMAIN] hear an amendment?

The SPEAKER. Debate is objected to.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. TREMAIN and Mr. COX were appointed.

The House divided; and the tellers reported—ayes 116, noes 78.

So the motion was seconded.

The question recurring on agreeing to the motion to suspend the rules,

Mr. ELDREDGE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 102, not voting 40; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crocker, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Duell, Dunnell, Field, Foster, Frye, Gooch, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazel, ton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hurlbut, Hyde, Hynea, Kelley, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughbridge, Lowe, Lowndes, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Tynor, Waldron, Wallace, Marcus L. Ward, Wheeler, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—147.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Comings, Cook, Cox, Creamer, Crittenden, Crooke, Crossland, Crounse, Danford, Davis, Eames, Eden, Eldredge, Fort, Giddings, Glover, Gunckel, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hubbell, Hunt, Jewett, Kendall, Killinger, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, Marshall, Martin, McLean, Milliken, Mills, Moore, Morrison, Neal, Neamith, Niblack, O'Brien, Hosea W. Parker, Pendleton, Perry, Phelps, Potter, Read, Robbins, James C. Robinson, John G. Schumaker, Sener, Sloss, J. Ambler Smith, John Q. Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, and John D. Young—102.

NOT VOTING—Messrs. Archer, Barnum, Bass, Clayton, Corwin, Cotton, De Witt, Donnan, Durham, Elliott, Farwell, Freeman, Garfield, Robert S. Hale, Hersey, Hunter, Kasson, Kellogg, Maynard, McJunkin, McNulta, Mitchell, Purman, Randall, William R. Roberts, Sawyer, Milton Sayler, Lazarus D. Shoemaker, H. Boardman Smith, William A. Smith, Stanard, Stephens, Taylor, Todd, Waddell, Walls, Jasper D. Ward, Wilber, Jeremiah M. Wilson, and Pierce M. B. Young—40.

So (two-thirds not voting in the affirmative) the rules were not suspended, and the bill was not passed.

During the roll-call,

Mr. DONNAN stated that he was paired with Mr. RANDALL, of Pennsylvania, who if present would vote in the negative, while he himself would vote in the affirmative.

Mr. SAYLER, of Indiana, stated that his colleague, Mr. HUNTER, was absent on the business of the House.

Mr. BECK stated that his colleague, Mr. DURHAM, was absent in New York on the business of the House with the sub-Committee on Banking and Currency.

Mr. COOK stated that his colleague, Mr. YOUNG, was absent by appointment of the Speaker at West Point.

Mr. ALBRIGHT stated that his colleague, Mr. SHOEMAKER, was absent on account of sickness.

The vote was then announced as above recorded.

#### CELEBRATION OF THE BOSTON TEA PARTY.

The SPEAKER. There comes over from yesterday a motion to suspend the rules and pass the following concurrent resolution moved by the gentleman from New York, [Mr. POTTER,] which the Clerk will read.

The Clerk read as follows:

*Resolved, (the Senate concurring.)* That the woman's centennial executive committee of the city of Washington have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of tea in the harbor of Boston on the night of the 16th of December, 1773.

Mr. POTTER. The gentleman from Massachusetts, [Mr. G. F. HOAR,] who objected to the resolution yesterday, withdraws his objection, and asks me to insert in the resolution these words: "In aid of the national centennial exhibition." I agree to it, as that really is the object of the resolution.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the concurrent resolution was passed.

#### BOZEMAN LAND DISTRICT IN THE TERRITORY OF MONTANA.

Mr. MAGINNIS. I move to suspend the rules and pass the bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana.

The bill was read.

The first section provides that all that portion of the Territory of Montana lying east of the range line between ranges two and three west of the principal meridian and south of the first standard parallel north of the base line of the public-land surveys of said Territory shall be constituted a separate land district, to be known as the Bozeman land district, the office of which shall be located at Bozeman, but may be changed from time to time, by the direction of the President of the United States, as the interests of the public service may require.

The second section provides that the President shall appoint, by and with the consent of the Senate, a register and a receiver of the public moneys of the United States for said district; and said officers shall reside in the place where the land office is located, and they shall

have the same powers and perform the same duties and receive the same emoluments as are or may be prescribed by law in relation to land officers of the United States in other Territories.

Mr. HOLMAN. Does this bill come from any committee?

Mr. DUNNELL. Yes; it is the unanimous report of the Committee on the Public Lands.

The motion to suspend the rules was seconded. The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

#### INTERNATIONAL ARBITRATION.

Mr. WOODFORD. I move to suspend the rules and pass the following concurrent resolution:

*Resolved by the Senate and House of Representatives, That the President of the United States is hereby authorized and requested to negotiate with all civilized powers who may be willing to enter into such negotiation for the establishment of an international system whereby matters in dispute between different governments agreeing thereto may be adjusted by arbitration, and if possible without recourse to war.*

Mr. KELLOGG. I think we had better first decide the Geneva award matter.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the concurrent resolution was passed.

#### SHIP ALHAMBRA.

Mr. HOOPER. In behalf of the Committee on Commerce I move to suspend the rules and pass a bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

The bill, which was read, authorizes and directs the Secretary of the Treasury to issue an American register to the British ship Alhambra, built in Boston, in the State of Massachusetts, in 1859.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

#### BRIDGE OVER WILLAMETTE RIVER, OREGON.

Mr. CONGER. In behalf of the Committee on Commerce I move to suspend the rules and pass the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

The bill was read.

The first section provides that it shall be lawful for the county commissioners of the county of Marion, in the State of Oregon, or for the said commissioners jointly with the county commissioners of the county of Polk, in said State, to build a bridge across the Willamette River at the city of Salem, in said county of Marion, at a point to be selected and determined by the said board of commissioners of Marion County, or by said board jointly with the board of commissioners of Polk County aforesaid; provided that there shall be placed in said bridge a draw of not less than two hundred feet in width, with a center abutment not to exceed forty feet wide, and ten feet above the water-line, leaving a passage on each side of the abutment of not less than eighty feet in width, and so constructed as not to impede the navigation of said river and allow the easy passage of vessels through said bridge.

The second section provides that the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved, but any change needful to that end shall be made at the expense of the counties in which such bridge shall be located.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

#### TITLE TO LANDS IN ARIZONA.

Mr. CLYMER. I move that the rules be suspended, and that the Committee on the Public Lands be discharged from the further consideration of the bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona, and that the same be passed.

The bill was read.

The preamble recites that certain lands in Santa Cruz Valley, county of Pima, and Territory of Arizona, have for many years been occupied and possessed by persons of Mexican birth, who became citizens of the United States under the treaty of Guadalupe Hidalgo and the Gadsden treaty; and that said persons desire to secure patents for said lands in the small and irregular tracts in which they were originally taken up under Mexican authority, and have been held and cultivated to the present time, and they cannot do so under the existing land laws of the United States.

The bill therefore provides that all the right and title of the United States to the land embraced in sections 2, 11, and 14, and the east half of sections 3, 10, and 15, of township 14 south, range 13 east, Gila and Salt River meridian, in the county of Pima, Territory of Arizona, be, and the same are thereby, relinquished and granted to the person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors, for twenty years next preceding the date of the passage of the act; and it shall be the duty of the register and the receiver of the United States land-office for the district in which said land lies, to hear and determine, subject to the approval of the Commissioner of the General Land Office, the rights of the parties claiming under the act; and for that purpose the said register and the said receiver shall have power to sum-

mon witnesses, administer oaths, and take testimony relative to such occupancy or possession, provided that no claim as aforesaid shall be of any validity under the act unless it shall have been duly filed with the said register and the said receiver within one year after the passage of the act; and provided further, that the grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, nor preclude a judicial examination and adjustment thereof.

The second section provides that whenever it shall have been determined by the said register and the said receiver, or on appeal by the Commissioner of the General Land Office or Secretary of the Interior, that any tract has been occupied as aforesaid, it shall be the duty of the surveyor-general for said Territory to cause the said claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which said plats, and the field notes thereof by the Commissioner of the General Land Office, patents shall issue as in other cases.

The third section provides that any part or parts of said designated lands that are not shown, to the satisfaction of the Commissioner of the General Land Office, to have been so occupied for twenty years, shall be held by him as open to settlement under the provisions of the pre-emption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding one hundred and sixty that parties complying with said legal provisions may desire to hold, provided that all existing occupants who have settled on said lands for a period of less than twenty years shall have the prior right to acquire the same under the pre-emption or homestead laws of the United States.

Mr. CLYMER. I ask unanimous consent, before the vote is taken, to perfect the bill by adding after the word "ancestors," in line 10, section 1, the words "or grantors;" and in line 10, section 3, after the word "lands," by striking out "for" and inserting "within."

The SPEAKER. If there be no objection, those amendments will be made.

There was no objection.

Mr. HOLMAN. Will the gentleman permit a motion to strike out in the last line of the bill the words "pre-emption or?" I hope there will be some explanation of the necessity for this bill.

Mr. CLYMER. If the House will bear with me for a moment I will explain the object of the bill. At the making of the treaty of Guadalupe Hidalgo and the Gadsden treaty there was in this valley of Arizona a little settlement around the village of Tucson, composed of persons of Mexican and Spanish birth, who for nearly a hundred years had occupied small and irregular strips of land of from three to fifty acres in extent and marked off by no regular metes and bounds, and they and their descendants have lived there ever since. Their titles originally accrued to them under the orders of Mexican military officers, and since our occupation of the country these people have no evidence of title save that arising from occupancy. It is a subject of great disquietude to them that they cannot point to any authority under which they hold these lands. It was therefore thought proper by the Committee on the Public Lands, after careful examination, that this bill should be passed. The whole quantity of the lands embraced in this bill does not amount to more than three or four sections, and the claims do not cover the whole of the sections specified. The Committee on the Public Lands were unanimous in their approval of the bill.

Mr. MCCORMICK. Mr. Speaker, the original draught of this bill was prepared in Arizona and handed me at a mass meeting of the citizens at the capital. I was earnestly requested to urge its passage by Congress as an act of simple justice.

It is intended to give title to about four sections of land which for long years have been in possession of persons of Mexican birth. Under the treaty of Guadalupe Hidalgo and the Gadsden treaty, these persons, or their descendants, became citizens of the United States, and they are good citizens, of the class described in the recent able speech of the gentleman from New Mexico [Mr. ELKINS] as "loyal, law-abiding, peaceable, well-disposed, and wedded to our institutions."

The lands in question were originally taken up in small and irregular tracts under permits from the Mexican authorities, and have been steadily held and cultivated by these people, who are anxious to have Government title to them in the precise form in which they have been occupied, and in no other. In some instances the tracts embrace not more than five acres—no tract I think embraces over fifty acres—and as it was understood by the Mexican population of Arizona, then a part of New Mexico, that they should have a full and complete title to their lands, as held prior to the making of the treaties referred to, I trust the reasonable propositions of this bill will be agreed to by the House.

The bill as it is now has the unanimous approval of the Committee on the Public Lands and also the approval of the Commissioner of the General Land Office, as shown in the letter I send to the Clerk's desk.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., June 4, 1874.

SIR: I have had the honor to receive from you a copy of House bill No. 3584, entitled "A bill to grant title to certain lands in the Territory of Arizona," and in reply I have to say that after a careful examination it appears to be such a bill as



will, without injury to the United States, satisfactorily protect a class of claimants entitled to relief, and it is therefore approved by this office.

Very respectfully, your obedient servant,

S. S. BURDETT,  
Commissioner.

Hon. R. C. McCORMICK,  
House of Representatives.

Mr. HOLMAN. Does the gentleman from Pennsylvania [Mr. CLYMER] agree to the words "pre-emption or" being stricken out?

Mr. CLYMER. I agree to that.

The motion to suspend the rules was agreed to, and the rules were suspended (two-thirds voting therefor) and the bill passed.

NELSON GREEN.

Mr. DANFORD. I move that the rules be suspended, and that the Committee on the Post-Office and Post-Roads be discharged from the further consideration of the bill (H. R. No. 3611) for the relief of Nelson Green, and that the same be passed.

The bill, which was read, authorizes and directs the Postmaster-General to release Nelson Green, of Bay City, Michigan, a mail contractor on mail-routes numbered 24366, being from Granton to Au Sable, and 24357, from Alpena to Au Sable, in said State of Michigan, from the performance of said service.

The motion to suspend the rules was seconded.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

#### RESTORATION OF LANDS TO HOMESTEAD ENTRY.

Mr. BRADLEY. I move that the rules be suspended, and that the Committee on the Public Lands be discharged from the further consideration of the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, and that the same be passed with an amendment.

The bill, which was read, so amends the act approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawa and Chippewa Indians of Michigan, for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws, for one year from the passage of the act; and the lands remaining thereafter undisposed of shall be restored to market.

The bill in its second section provides that all Indians who have settled upon and made improvements on section 10, in township 47 north, of range 2 east, and section 4, in township 47 north, of range 3 west, Michigan, shall be permitted to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land office at Marquette, Michigan; and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market.

The bill in its third section provides that all actual, permanent, bona fide settlers on any of the lands reserved for Indian purposes under the treaty with the Ottawa and Chippewa Indians of Michigan of July 31, 1855, shall be entitled to enter not exceeding one hundred and sixty acres of land, either under the homestead laws or to pay the minimum price of land, on making proof of his or her settlement and continued residence before the expiration of ninety days from the passage of the act; provided that such settlers do not claim any of the lands heretofore patented to Indians, or in conflict with the selections found to have been made by Indians referred to in the first section of the act, and shall have settled upon said lands prior to the 1st day of January, 1874.

Mr. BRADLEY. The amendment which is included in my motion is as follows:

At the end of section 1 strike out the words "restored to market" and insert the words "offered for sale at a price not less than \$2.50 per acre."

Mr. CLYMER. I desire also to offer an amendment.

Mr. BRADLEY. My colleague on the committee, the gentleman from Pennsylvania, [Mr. CLYMER,] desires to submit an amendment. I have agreed to yield to him that the matter may be considered in the House, after an explanation on each side. I ask unanimous consent that a few minutes be granted to explain the nature of the bill and the amendment—five minutes on each side.

Mr. BECK. What is the motion now pending?

The SPEAKER. It is that the rules be suspended and that this Senate bill pass with an amendment.

Mr. BECK. Will the gentleman not consent to change his motion to a suspension of the rules, so as to bring the bill before the House for consideration? If that is done he can then explain it.

Mr. BRADLEY. I am willing to modify the motion in that way.

The SPEAKER. At two o'clock the House, in pursuance of notice given yesterday, will proceed to consider the report of the Joint Select Committee of Investigation into the Affairs of the District of Columbia.

Mr. CLYMER. I do not think this bill will occupy the House for

more than a few moments. The matter is a simple one, and can be easily understood.

The motion to suspend the rules was seconded.

Upon suspending the rules so as to bring the bill before the House for consideration tellers were ordered; and Mr. BRADLEY and Mr. CLYMER were appointed.

The House divided; and the tellers reported—ayes 71, noes 73; no quorum voting.

The SPEAKER. Nothing is in order but a call of the House or a motion to adjourn.

Mr. HOLMAN. I move that the House do now adjourn, and I call for the yeas and nays on that motion.

The yeas and nays were not ordered, only 12 members voting therefor.

The question was put, and the motion to adjourn was not agreed to.

Mr. HOLMAN. I move that there be a call of the House.

The question was put, and on a division there were—ayes 35, noes 92; no quorum voting.

The SPEAKER. The Chair will not entertain any business whatever until a quorum is present.

Mr. HOLMAN. I ask for tellers on my motion for a call of the House.

Tellers were ordered; and Mr. SCOFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 47, noes 108.

So the motion for a call of the House was not agreed to.

Mr. BRADLEY. I withdraw the demand for a further count on my motion to suspend the rules.

So (two thirds not having voted in favor thereof) the rules were not suspended.

#### ARKANSAS VALLEY RAILWAY COMPANY.

Mr. WELLS. I move that the rules be suspended so as to put upon its passage the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company.

I will state that this bill is recommended by the Committee on the Pacific Railroad and also by the Committee on the Public Lands.

The bill was read. It grants the right of way through the public lands to the Arkansas Valley Railway Company, a corporation duly created under the laws of the Territory of Colorado, its successors and assigns, for a railroad and telegraph line, now partially completed and in operation from a point on the line of the Kansas Pacific Railway at Kit Carson; thence southward to West Las Animas; thence westward along or near the Arkansas River to Pueblo, a distance of about one hundred and fifty miles, and within said Territory of Colorado. Said right of way is granted to said railway company to the extent of one hundred feet in width on each side of said railroad where it may pass through the public domain and military reservation at Fort Lyon, including grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, cattle-yards, and water-stations, to the amount not exceeding ten acres, not mineral lands, for each station, and for not more than one station in every ten miles; together with the right to take from the public lands while belonging to the United States, adjacent to said right of way, stone, timber, earth, and other material necessary for the construction, maintenance, and repair of its railway and telegraph. It provides that within six months from the passage of this act the said Arkansas Valley Railway Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located; that the right of way across the military reservation at Fort Lyon, and the depot grounds thereon, shall be located and set aside under the direction of the Secretary of War; and that this grant of the right of way shall not prevent any railroad company from crossing said Arkansas Valley Railway Company at grade.

Mr. KASSON. I suggest to the gentleman from Missouri that the word "timber" ought to be stricken out.

Mr. WELLS. I have no objection to that, and will modify the bill in that way.

Mr. HOLMAN. It seems to me that the words "other material necessary for the construction and maintenance and repair of its railway and telegraph" should be stricken out. There is no limit as to the time within which they may take the material. It would be a perpetual franchise granted to the corporation to use timber and other materials.

Mr. WELLS. There is no material used excepting the soil which they build the track over. I ask that a letter of the Secretary of War, which will explain this bill, may be read.

Mr. KASSON. I want my amendment in.

The SPEAKER. The Chair understands that the gentleman from Missouri has modified the bill by striking out the word "timber."

Mr. HOLMAN. I trust some explanation of the bill will be made.

Mr. WELLS. The letter of the Secretary of War will explain it.

The Clerk read the letter, as follows:

WAR DEPARTMENT, February 28, 1874.

The Secretary of War has the honor to report to the House of Representatives, for the information of the sub-committee on the Pacific Railroad, in reply to letter of the chairman of said committee of the 26th instant, that, so far as this Department is informed, there is no objection to the passage of the second section of House bill No. 750, granting the right of way over the Fort Lyon military reservation, Colorado Territory, to the Arkansas Valley Railway Company, provided it is re-

stricted to the width stated in the first section of said bill, and that the additional ground granted for depot and other railway purposes shall not exceed ten acres.

In this connection it is proper to add that it is understood that the Arkansas Valley Railway Company is identical with the Kansas Pacific Railway Company, which latter company has already received permission to lay its rails across the said reserve, with condition that the rails must be removed and track abandoned if right of way is not given at the present session of Congress.

WM. W. BELKNAP,  
Secretary of War.

Mr. WELLS. This bill has been before the Committee on the Public Lands, and they have unanimously recommended its passage and so have the Committee on the Pacific Railroad.

The motion to suspend the rules was seconded.

The question was then taken, and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

#### CRUELTY TO ANIMALS.

Mr. LAMPORT. I ask unanimous consent to report from the Committee on Agriculture the bill (H. R. No. 2650) to amend the act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States," approved March 3, 1873.

Mr. NEGLEY. I object.

Mr. LAMPORT. I move that the rules be suspended and the bill passed.

On seconding the motion to suspend the rules tellers were ordered; and Mr. LAMPORT and Mr. NEGLEY were appointed.

Mr. KASSON. I hope consent will be given to the gentleman from New York to explain the bill. Let him have five minutes.

Mr. WILLARD, of Vermont. There is not time. It is nearly two o'clock now.

Mr. SYPHER. This is too important a bill to be passed without consideration.

The House divided; and the tellers reported ayes 37, noes not counted.

So the motion to suspend the rules was not seconded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference upon the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. No. 571) to authorize the Baltimore and Ohio railroad to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

A bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company;

A bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon;

A bill (S. No. 878) for the relief of Rosa Vertner Jeffreys; and

A bill (S. No. 459) for the relief of William J. Patton.

The message further announced that the Senate had passed House bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. No. 225) to amend an act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the first district of Missouri; and

A bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and erection thereon of a new marine hospital in the city of Pittsburgh, Pennsylvania.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

A bill (H. R. No. 2348) to change the name of the pleasure-yacht *Planchette* to that of *Laxen*;

A bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

A bill (H. R. No. 203) to create two additional land districts in the State of Kansas;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

A bill (H. R. No. 2670) granting a pension to Mary S. Howe;

A bill (H. R. No. 2671) granting a pension to General A. C. Voris;

A bill (H. R. No. 3591) to change the name of the brig *Sidi to Sea* Waif;

A bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

A bill (H. R. No. 2463) for the relief of Joseph S. Read;

A bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado; and

A bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes.

#### PUBLICATION OF REVISED STATUTES.

Mr. POLAND. I ask unanimous consent to take from the Speaker's table a bill which has just come from the Senate prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States. I will say in explanation of my request, and in justification of the Committee on the Revision of the Laws, that the bill which we sent to the Senate contained just this provision. But they turned the whole thing into a new bill, adopted an entire substitute, and left out the most important part. I ask that the bill be now taken up and passed.

No objection was made, and the bill (S. No. 954) was taken from the Speaker's table, and read a first and second time.

The bill provides that the revised statutes of the United States and no part thereof shall be published in the newspapers at the expense of the United States.

The bill was read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

#### GOVERNMENT OF THE DISTRICT.

Mr. WILSON, of Indiana. In pursuance of previous notice I now report back with amendments, from the Select Committee to Inquire into the Affairs of the District of Columbia, a bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes.

The bill was read as follows:

*Be it enacted, &c.*, That all provisions of law providing for an executive, for a secretary for the District, for a Legislative Assembly, for a board of public works, and for a Delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present Delegate in Congress.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited; and shall be subject to all the restrictions and limitations now imposed by law on said governor or board; and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employes of the District and board of public works; and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid; but said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act. All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes, or evidence thereof: *Provided*, That nothing in this clause contained shall affect any provisions of law authorizing or requiring a deposit of certificates of assessment with the sinking-fund commissioners of said District; and said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employes, remove from office, and make appointments to any office authorized by law; and the compensation of all officers and employes, except teachers in the public schools and officers and employes in the fire department, shall be reduced 20 per cent. per annum. Said commissioners shall each, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of \$50,000, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office; and shall each receive for his services a compensation at the rate of \$5,000 per annum: *Provided*, That nothing in this act shall be construed to abate or in any wise interfere with any suit pending in favor of or against the District of Columbia: *And provided further*, That in suits hereafter commenced against the District of Columbia, process may be served on any one of said commissioners, until otherwise provided by law.

SEC. 3. That the President of the United States shall detail an officer of the Engineer Corps of the Army of the United States, who shall, subject to the general supervision and direction of the said board of commissioners, have the control and charge of the work of repair and improvement of all streets, avenues, alleys, sewers, roads, and bridges of the District of Columbia; and he is hereby vested with all the power and authority of, and shall perform the duties heretofore devolved upon, the chief engineer of the board of public works. He shall take possession of, and preserve and keep, all the instruments pertaining to said office, and all the maps, charts, surveys, books, records, and papers relating to said District, or to any of the avenues, streets, alleys, public spaces, squares, lots and buildings thereon, sewers, or any of them, as are now in or belonging to the office of said engineer of the board of public works, and shall, in books provided for that purpose, keep and preserve the records now required to be kept, and such as may be required by regulations of said board. He may, with the advice and consent of said board of commissioners, appoint not more than two assistant engineers from civil life, who shall each receive a salary of \$1,800 per annum, and shall be subject to his direction and control. He shall receive no additional compensation for such services. And he shall not be deemed by reason of anything in this act contained to hold a civil office under the laws of the United States. And no salary or compensation shall be paid



to the surveyor of the District, or any of his subordinates, except such fees for special services as are allowed by law. And the offices of assistant surveyor and additional assistant surveyor of the District of Columbia are hereby abolished.

SEC. 4. That for the support of the government of the District of Columbia, and maintaining the credit thereof, for the fiscal year ending June 30, 1875, there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes, namely: Upon all such real estate in the city of Washington, three dollars on each one hundred dollars of the present assessed value thereof; upon all such real estate in the city of Georgetown, two dollars and fifty cents on each one hundred dollars of the present assessed value thereof; and upon all such real estate in the District of Columbia outside of the cities of Washington and Georgetown, two dollars on each one hundred dollars of the present assessed value thereof; which said taxes shall become due and payable on the 1st day of November, 1874, and, if not paid, shall be in arrears and delinquent from that date; and shall, except as herein modified, be assessed and collected as now provided by law for the assessment and collection of general taxes for the District of Columbia; and of the sums so collected, one-fourth thereof shall be applied, first, to reimburse the United States for its advances on account of interest, which shall have been paid by the United States on the funded debt of the District of Columbia and Washington and Georgetown, due and payable July 1, 1874; and the remainder shall be used to pay deficiencies in the various funds for the fiscal year ending June 30, 1874. And all the remainder of said taxes not required for the aforesaid purposes shall be distributed for the purposes and in the proportions provided by the act of the Legislative Assembly of the District of Columbia, approved June 26, 1873, entitled "An act imposing taxes for the fiscal year ending June 30, 1874," so far as said apportionment is not inconsistent with this act: *Provided*, That no evidence of debt issued by the District of Columbia, or any branch thereof, or by the board of public works, shall in any manner be received in payment for said taxes: *And provided further*, That no payment shall be made on account of the militia of said District, or for the purpose of erecting a District jail. Upon all payments of said taxes hereby imposed which shall be made in advance of the said 1st day of November, 1874, there shall be an abatement allowed of 1 per cent. per month for each and every month so paid in advance; and that upon all said taxes which shall be delinquent and unpaid on said 1st day of November, there shall be added a penalty of 1 per cent. to the amount thereof, to be collected with such taxes; and a like penalty of 1 per cent. upon the amount thereof shall be added on the first day of each succeeding month to all of said taxes as are then delinquent and unpaid, to be collected as aforesaid. It shall be the duty of the collector of taxes to prepare a complete list of all taxes and property upon which the same are assessed in arrears on the 1st day of March next, and shall, within ten days thereafter, publish the same, with the notice of sale, in a newspaper published in said District, to be designated by said board of commissioners, for the time and in the manner required by the provisions of the act of the Legislative Assembly entitled "An act prescribing the duties of certain officers for the District of Columbia, and fixing their compensation," approved August 23, 1871. And all the provisions of said act as to the sale of property and the collection of taxes in arrears are hereby made applicable to the taxes hereby imposed and in arrears as aforesaid, except that the deed conveying the property so sold shall be executed by the said board of commissioners instead of the governor and the secretary.

SEC. 5. That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the Presiding Officer of the Senate, and two members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable frame of government for the District of Columbia and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on its funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and in the discharge of the duty hereby imposed said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of \$5,000; and said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

SEC. 6. That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified, namely: first, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia; sixthly, all claims for private property taken by the board of public works from the avenues, streets, and alleys of the cities of Washington and Georgetown; and, seventhly, all unjust claims for damages that may have been presented to the board of public works, pursuant to an act of the Legislative Assembly of the District of Columbia, entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs," approved June 20, 1872, which last-named claims shall severally be examined and audited without regard to any examination heretofore made; and shall make a detailed and tabular statement of all claims presented, the persons or corporations owning the same, and the amount found to be due on account of each; together with a tabular statement of the funded debt of the District of Columbia and of the cities of Washington and Georgetown of every kind and character whatsoever, giving the date of issue, time of maturity, and the rate of interest. And it shall further be the duty of said board to ascertain the amount of sewer tax or assessment paid by any person, persons, or corporation, under the act of the Legislative Assembly of said District, entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor," approved the 26th day of June, 1873, and to prepare a tabulated statement thereof. Said board of audit shall also issue to each claimant a certificate, signed by each of said board and countersigned by the comptroller of said District, stating the amount found to be due to each and on what account; and a register thereof shall be kept by said board, to be transmitted to Congress, and also by the comptroller of said District; and said board of audit shall also ascertain and report to Congress, at the next session thereof, the amount equitably chargeable to the street railroad companies on account of paving along and within the tracks of said companies, pursuant to the charters of said companies or the acts of Congress relating thereto, together with their reasons therefor. It shall further be the duty of said board of audit to examine into and audit all of the accounts of the auditor and of the treasurer of the board of public works, and of the auditor, the treasurer, the collector, and the comptroller of the District of Columbia, from the date of the organization of said board and of the present government of said District; and for the purposes hereinafore specified shall have the power to subpoena witnesses, administer oaths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatsoever of the board of public works and of the Dis-

trict of Columbia; and to the end that said books and accounts may be thoroughly examined, and the indebtedness of said District, and of the board of public works, and the state of the books and accounts of each of the officers aforesaid, may be accurately ascertained, shall employ one or more skillful and impartial accountants non-resident of the District of Columbia, and such other assistants as they may deem necessary, to make examination of said books, vouchers, and papers, and discharge their other duties under this act, and shall procure inspection of such books and papers as may be necessary; and they are hereby authorized to pay for the services of such accountant or accountants and assistants such sums as they may deem proper. And said accountant or accountants shall take an oath to faithfully discharge the duties imposed by this act. Said board of audit shall give notice for the presentation of the claims hereinafore specified in such manner as may be deemed necessary; and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice. Each of the said officers constituting said board shall be paid the sum of \$2,000 for his services under this act, out of the funds of said District, in addition to his present compensation.

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of fifty and five hundred dollars, bearing date August 1, 1874, payable fifty years after date, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, to be signed by the secretary of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct; which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively, and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary. And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any of such bonds. And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

SEC. 8. That the authority conferred on the board of public works to issue additional certificates of indebtedness by section 4 of the act of the Legislative Assembly, approved on the 29th day of May, 1873, is hereby annulled. No property shall be advertised for sale or sold for the collection of any assessment authorized by the Legislative Assembly by the act entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor," approved on the 26th day of June, 1873, until otherwise ordered by Congress; and it shall be unlawful to issue any further certificates of indebtedness authorized by said act.

SEC. 9. That no board or commission of which the governor is *ex officio* a member (the board of public works excepted) shall be abolished by this act, but the members of the same, other than the governor, shall constitute such board or commission.

SEC. 10. That the act of the Legislative Assembly of the District of Columbia, entitled "An act to fund unsettled liabilities of the city of Washington, and providing for the issuing of the bonds, and levying and collecting taxes to pay the same," approved June 20, 1872, is hereby ratified and approved; but none of the bonds authorized by said act remaining unsold shall be negotiated or sold at less than par.

The amendments reported from the committee were to section 6 of the bill, to make the latter portion of the section read as follows:

To make examination of said books, vouchers, and papers, and discharge their other duties under this act, and shall procure inspection of such bank books and papers as may be necessary; and they are hereby authorized to allow for the services of such accountant or accountants and assistants such sums as they may deem proper, which shall be paid by the board of commissioners out of the revenues of said District. And said accountant or accountants shall take an oath to faithfully discharge the duties imposed by this act. Said board of audit shall give notice for the presentation of the claims hereinafore specified in such manner as may be deemed necessary; and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice. And said board shall make full report of all their acts and proceedings to the President, to be by him transmitted to Congress the first day of the next session thereof, &c.

The amendments were agreed to.

Mr. WILSON, of Indiana. I now move to recommit the bill.

Mr. MERRIAM. Will not the gentleman allow an amendment to be offered?

Mr. WILSON, of Indiana. I regret to say that I do not feel at liberty, under the circumstances, to allow any amendment to be offered to the bill.

Mr. MERRIAM. Will you allow the amendment to be read?

Mr. WILSON, of Indiana. I would prefer not; at least not now.

Mr. PARKER, of Missouri. In section 4 of this bill it is provided that "there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes." If the gentleman can give any good reason why personal property in this District should not be placed on the same basis as real estate, then I will not propose to offer an amendment. But unless that shall be done, I shall certainly insist upon my right to offer an amendment to put personal property on the same basis with real estate.

Mr. MERRIAM. That is the proposition I desired to offer.

Mr. SMALL. And so did I.

Mr. WILSON, of Indiana. A number of members have asked me in regard to that matter. The committee have had the subject under consideration, and my colleague on the committee, the gentleman from New York, [Mr. BASS,] will explain to the House, in a few minutes, everything in connection with this question of taxation. Inasmuch as that is a branch of this bill which has been committed to his care, by the arrangement between us, I shall leave him to answer the question of the gentleman from Missouri [Mr. PARKER] rather than to proceed to answer it myself.

Mr. PARKER, of Missouri. Allow my amendment to be proposed and the House to act upon it.

Mr. MYERS. I understand the report recommends an appropriation for the laborers of the District. I would like to hear from the gentleman what is done in that regard.

Mr. BECK. I desire to ask a question.

Mr. WILSON, of Indiana. I hope I may be permitted to proceed without being plied with questions before I begin. I purpose, as briefly as I can, to call the attention of the House to the various provisions of this bill, with the exception of the one to which I have already alluded, relating to taxation.

Mr. PARKER, of Missouri. I want to know if the motion to recommit is pending, and cuts off all amendments.

Mr. WILSON, of Indiana. I made the motion to recommit for the purpose of cutting off all amendments. I do not desire to disguise my intention at all. I do not feel that under the circumstances I am at liberty to allow any amendment to be offered.

Mr. FORT. I rise to a question of order. Must not this bill be first considered in Committee of the Whole? If so, then what right has the gentleman from Indiana [Mr. WILSON] to enter a motion to recommit to cut off all amendments?

Mr. WILSON, of Indiana. If that point of order is made and sustained by the Chair, then I must move a suspension of the rules to bring the bill before the House for consideration.

Mr. FORT. I insist upon the point of order. It is not a proper thing for a committee to bring in a bill and not allow any amendments.

The SPEAKER *pro tempore*, (Mr. SAWYER.) The Chair overrules the point of order. The Chair understands that this committee had the right to report this bill at any time for consideration in the House.

Mr. PARKER, of Missouri. The gentleman from Indiana honestly and candidly says that he entered the motion to recommit to cut off all amendments. It may not be necessary to offer any, and after the bill has been discussed we may be entirely satisfied with it. But in what way, I will ask the Chair, can the bill be amended if it shall be deemed necessary?

The SPEAKER *pro tempore*, (Mr. POTTER.) When the gentleman from Indiana shall have concluded his remarks or have yielded the floor, the question will come up on the motion to recommit, or, if that be withdrawn, upon such other motion as the gentleman may make. And it will be for the House to determine what action to take upon it.

Mr. FORT. I made my point of order before the discussion began upon this bill. My point was, that under the rules the bill should go to the Committee of the Whole. I was answered by the Chair that there was some order relating to the bill giving it certain special privileges. Now I demand to hear that order read, so that we may know exactly what it provides.

The SPEAKER *pro tempore*. The Journal clerk will proceed to find the order. In the mean time the gentleman from Indiana [Mr. WILSON] is entitled to the floor.

Mr. FORT. Well, Mr. Speaker, I do not wish to yield the point I have made against this bill, that it should go to the Committee of the Whole, where there may be full opportunity for amendment and discussion.

The SPEAKER. The order will be found as soon as possible. In the mean time the gentleman from Indiana [Mr. WILSON] will occupy the floor.

Mr. CHIPMAN. I desire to make a parliamentary inquiry. I do not quite understand from the Chair by what means any amendment to this bill could be brought before the House in case the motion to recommit should be sustained. The amendments I wish to offer I hope to sustain by sound reasons. They go to the very existence of our District.

The SPEAKER. If the motion to recommit should be sustained, of course the bill would not be before the House. The presumption is that in this case, as is usual in such cases, the gentleman from Indiana has interposed the motion to recommit in order to hold control of the bill against amendments. Should the previous question be called without withdrawing the motion to recommit, the question would first be upon that motion; and that being negatived, the previous question would not exhaust itself until the engrossment and third reading of the bill.

Mr. BECK. I desire to ask the gentleman from Indiana whether he will allow, before the previous question is called, any discussion by gentlemen other than members of the committee?

Mr. WILSON, of Indiana. I have no desire at all to prevent discussion upon this bill. If it is desired that it shall be discussed I am certainly willing to allow the utmost latitude in that respect. I say very frankly to the gentleman that the course I had designed to pursue was, after I had made a statement as to the character of this bill and the reasons that have influenced the committee in its preparation, to withdraw the motion to recommit, and then move the previous question, leaving the matter within the control of the House.

Mr. BECK. I only desire that there shall be an amendment of section 4, so as to reduce the proposed rate of taxation from 3 per cent. to 2 in the city of Washington; from 2½ per cent. to 1½ in Georgetown; and to fix 1 per cent. as the rate for the District outside of the cities of Washington and Georgetown. I would provide further

that the United States should wait for its proportion of the money to be raised by taxation. It seems to me that the rate of taxation proposed in the bill would amount to a confiscation of the property of the residents here. I wish to get that amendment in if I can.

Mr. WILSON, of Indiana. If the gentleman from Kentucky knew exactly the financial condition of this District he would find the committee has not imposed any more taxation than is absolutely necessary.

Mr. BECK. I wish only to take one-sixth instead of one-fourth.

Mr. FORT. My friend from Missouri wishes to amend the bill so as to make personal property taxable. There are railroad companies, banks, and other corporations in this District which are not taxed at all under this bill, while the personal property of my constituents is taxed in order to support this city. We want an opportunity to make amendment in that regard. If I have an opportunity I will move such an amendment.

Mr. WILSON, of Indiana. I suppose the point of order is still pending.

The SPEAKER. The Chair is holding it up, as the gentleman from Illinois demands that the order of the House shall be read.

Mr. WILSON, of Indiana. My time is not running, I suppose.

The SPEAKER. It is not.

Mr. LAMISON. I find by section 4 of this bill there are three rates of taxation fixed by it; that is, three dollars for the city of Washington, two and a half dollars for the city of Georgetown, and two dollars for the county. I wish to direct the attention of the gentleman from Indiana to this fact, so he may explain to the House why this discrimination should be made, and why there should not be adopted some uniform system of taxation.

Mr. WILSON, of Indiana. I think my friend from New York [Mr. BASS] will make that perfectly plain when he comes to discuss this bill.

Mr. CHIPMAN. Will not the gentleman from Indiana allow my amendment to be read by the Clerk?

Mr. WILSON, of Indiana. Not now.

Mr. CHIPMAN. This District government should not be destroyed and the people given over bound hand and foot without some chance of righting themselves. Will the gentleman from Indiana allow my amendment to be read? My amendment relates to allowing the people to elect one of the commissioners, to reducing the tax as it now is, and to fix the interest at a rate to secure us a par bond, and to make the laborers and employes preferred creditors in the payment of our liabilities.

Mr. SPEER. Does not this bill really release this District of Columbia from the bonds in which it now is?

Mr. CHIPMAN. No; I understand it rivets the bonds, and I will show that to be true if I have an opportunity.

Mr. WILSON, of Indiana. The gentleman is entirely mistaken.

Mr. CHIPMAN. No; gentlemen are mistaken, as I will show if I have an opportunity.

Mr. O'NEILL. Does this not change the rate of interest on some of the bonds?

The SPEAKER. The Clerk will read from the Journal of May 18. The Clerk read as follows:

On motion of Mr. JEREMIAH M. WILSON, of Indiana, by unanimous consent, ordered—

That the joint select committee ordered to investigate the condition of affairs in the District of Columbia be allowed to report at any time for consideration in the House.

The SPEAKER. This bill is properly before the House for consideration.

Mr. FORT. I only wish to say the gentleman from Indiana in good faith ought not to come in here under such an arrangement and insist upon this bill being considered without allowing any amendment to be offered to it.

Mr. WILSON, of Indiana. This is entirely within the control of the House.

Mr. FORT. It is not acting in good faith to the House.

Mr. WILSON, of Indiana. It is acting in perfect good faith.

Mr. PARKER, of Missouri. Does not that resolution simply bring the bill before the House for consideration, and has the gentleman from Indiana any right to enter a motion to recommit to cut off amendments?

The SPEAKER. The rules leave the matter wholly and entirely within the control of a majority of the House. If the gentleman from Indiana should demand the previous question and the House should refuse to second it the bill will then be open to amendment, but amendments will be cut off, as a matter of course, if the House should second the demand for the previous question.

Mr. WILSON, of Indiana. After having explained the provisions of this bill I propose to withdraw the motion to recommit and to demand the previous question. If the House thinks it is better the bill should be amended they can vote down the previous question. As a matter of course, the House has the entire control of the matter. I do not wish to take any advantage of any gentleman or do anything unfair in regard to this bill.

Mr. FORT. This looks like it.

Mr. WILSON, of Indiana. I have no interest in the matter except to get a bill passed through the House which will meet the necessities of the District of Columbia at this time.



Mr. FORT. I wish to make a parliamentary inquiry. Will it be in order to move to suspend the rules in order to allow amendments to be in order to this bill?

The SPEAKER. That will require a two-thirds vote, whereas the gentleman can accomplish his purpose by a majority vote.

Mr. FORT. By voting down the previous question?

The SPEAKER. Certainly. The gentleman from Indiana has put himself at a disadvantage by moving to suspend the rules, which requires a two-thirds vote, whereas he can accomplish his purpose by a majority vote.

Mr. WILSON, of Indiana. If gentlemen will put their amendments in writing I will consent to have them read after I get through.

Mr. FORT. Have them read now.

Mr. WILSON, of Indiana. No; wait awhile.

Mr. FORT. Let them be read now, so they may be considered by the House.

Mr. WILSON, of Indiana. The committee which has had in charge the investigation of matters out of which this bill has arisen have given this whole subject their most careful attention. The whole matter is exceedingly complicated, and we have encountered great difficulties on every hand. We have considered, I think, all of the questions that have arisen, looking at them from every conceivable stand-point, or at any rate from every stand-point which occurred to us, and we have done on this subject the very best we could and have put it in the form of this bill. There is no member of this committee, I apprehend, who has any interest whatever in passing a bill here which shall not meet the immediate and future wants of this city and this District. And I may say that the committee are united in recommending the passage of this bill, and united also in regard to the matters which are discussed in the report submitted with the bill.

It is not surprising that in a matter of this kind, in an investigation which involved the taking of over twenty-five hundred pages of printed testimony, there should be found many questions of fact with reference to which differences of opinion would arise. There are such in this case, and as it was not possible to review the testimony and discuss disputed points, and as the assertion of a conviction without such a review would be of little avail other perhaps than to strengthen and intensify opinions already formed, the committee under the circumstances of this case regarded it as very important to pass this bill at this session, and to avoid as far as possible the presentation of points in the report upon which an agreement could not be had, and which would only provoke discussion and cause delay.

Now, as to the question whether in the expenditure of the millions of dollars of public money that have been expended in the last three years and the disposition of the millions of dollars of securities that have been disposed of in this District during the last three years in the loose, irregular, and unlawful manner in which the evidence and the report show that this has been done, whether or not under these circumstances any of those who participated in this business appropriated any of these moneys fraudulently to their own use, whoever looks at the evidence and the surrounding circumstances will form his own conclusions, and time probably will test the accuracy of those conclusions, for it is said that "time at last makes all things even."

But leaving all of these questions entirely out of view, I will say that there is no difference of opinion among the committee as to the necessity for a change in the management of the affairs of this District. The law prohibited the creation of a debt exceeding \$10,000,000. It prohibited the making of contracts except in pursuance of appropriations and until the appropriations were made. That provision will be found in the thirty-seventh section of the organic act of this District under which the present District government is now being carried on. The board of public works submitted to the District Legislature a plan of permanent improvements which was estimated to cost \$6,533,397, including a system of sewers, and asked for an appropriation, which was granted to the extent of \$4,000,000, and to raise the money bonds payable in twenty years were provided to be issued. But the District Legislative Assembly incorporated in the bill making that appropriation of \$4,000,000 a proviso that the board of public works should not enter into any contract to exceed the amount of the estimate that was submitted by the board to the Legislative Assembly, less 20 per cent. of the estimated cost.

Now, here were three prohibitions upon this board of public works. In the first place it was provided that the debt of this District should not go beyond \$10,000,000; in the second place, Congress had provided by this thirty-seventh section of the organic act that contracts should be made only in pursuance of appropriations and not until appropriations had been made; then, in the third place, the District Legislature had provided—

That in no case shall the said board enter into a contract for any work or improvement the cost of which shall exceed the amount estimated therefor in its aforesaid plan, less 20 per cent. of said estimates.

Now, Mr. Speaker, notwithstanding all this, contracts were made \$12,000,000 at least in excess of the estimates to which they were limited, less 20 per cent., and certainly three times the amount of the appropriations which had been made and which were available to the board as the basis upon which to make contracts.

Then, again, the House will remember, or at all events many gentlemen will remember, that on the 8th day of January, 1873, an appropriation was made by Congress of \$1,240,000, (and that appropriation, drawn from the Treasury three days after the appropriation was

made, was all paid on debts within a week after it was so drawn.) Congress by that act prohibited the making of any contract which should be obligatory upon Congress until after the appropriation had been made. And yet when this Congress is about to convene a claim is presented for over \$500,000 for work that had been done during last summer around the Government property in defiance of that provision of the law. Then again in March, 1873, Congress appropriated \$75,000 for the purpose of purchasing an interest in the City-hall building in this city, and incorporated in the law making the appropriation a provision that the money should only be used in the erection of District offices, and yet notwithstanding that prohibition placed upon them by Congress this money was also diverted from the uses to which it had been appropriated by Congress, and was used in the current business of paying the debts of the board of public works. There are other matters of this kind to which I might refer, but I think it is unnecessary to elaborate this part of the subject in this connection.

I have only referred to these matters for the purpose of showing to the House that the law has been no restraint upon these gentlemen who have been running the government of the District of Columbia for the last three years. The expenses have by the manner in which the government has been administered been most inordinate. I will give the House a single item. The matter of printing and engraving alone of the District of Columbia and of the board of public works since the 1st of June, 1871, has amounted to over \$220,000, and the other expenses of the District have been on the same magnificent scale. The result of these operations has been to create enormous burdens, a statement of which is made on page 13 of the report, which I will ask the Clerk to read. I have it read now for the purpose of showing the burdens that have been imposed upon this District during the last three years.

The Clerk read as follows:

From the best information attainable, the committee find that the following is as nearly as can be stated the debt of the District which is in excess of the \$10,000,000 limitation fixed by act of Congress:

Bills payable of the District of Columbia.....	\$410,000 00
Certificates known as auditor's certificates, less amount of assessments authorized to be made.....	2,454,526 55
Contracts made for work and not completed, two-thirds of which must be paid by the District.....	883,332 00

Amounting in the aggregate to..... 3,747,858 55

This is an absolute debt against the District, after exhausting every available resource near or remote for its payment, unless a new tax for this purpose shall be levied. It is a debt due and payable at the present. But this is not the whole floating or unfunded liability resting upon the people of this District. The total of obligations for which the board of public works and the District are really liable, including such as is accurately ascertained and the remainder estimated, may be stated at \$7,683,756.89, made up of the following items:

Certificates known as auditor's.....	\$4,900,896 57
Contracts not yet completed, estimated.....	1,325,000 00
Damages to property, estimated.....	500,000 00
Property taken from streets.....	50,000 00
District of Columbia debt to February 1, 1874.....	497,870 32
Bills payable.....	410,000 00
Total.....	7,683,756 89

The total burden upon the people of the District outside of the present funded debt is, however, much larger. To ascertain that burden approximately there should be added to the foregoing:

Certificates of indebtedness outstanding.....	\$1,450,000
Sewer certificates outstanding.....	1,030,000
Present obligations of District not included in the above.....	850,000

or a total in addition of \$3,330,000; which must be met by taxation in some form; or a total burden of \$11,013,756.89 beyond that represented by the funded debt, which is \$9,902,251.18; making a total burden upon the property of the District of \$20,916,008.07. This does not include the sums required to carry on the ordinary functions of government after July 1, 1874.

Mr. WILSON, of Indiana. Now, Mr. Speaker, the committee do not, as a matter of course, pretend to know that these results are entirely accurate nor can they tell whether or not all of this indebtedness is indebtedness that has been created in absolute good faith, and the reasons why that cannot be known are set forth or indicated on page 11 of the report. I will ask the Clerk to read the passage I have marked.

The Clerk read as follows:

Pursuant to this authority, for no other seems to have been relied upon, the vice-president ultimately came to be, practically, the board of public works, and exercised the powers of the board almost as absolutely as though no one else had been associated with him.

During a considerable portion of the succeeding time, notwithstanding the most extensive operations were being carried on, and expenditures were being made by the million, there were no stated times for board meetings, and but comparatively few board meetings were in fact held, but entries were made in the record purporting to contain the proceedings of the board, which were, in fact, made up by the secretary from letters and papers that came to the office, and from directions made by the vice-president. Some of these were entries made of business transacted by the vice-president at his private office, and afterward placed on the records as having been business transacted by the board.

These minutes were rarely, if ever, read and approved. As an illustration of the manner in which this business was transacted, reference is made to the testimony of Charles S. Johnson, assistant secretary, (pages 2319-2323, inclusive.)

#### THE TREASURER'S DEPARTMENT.

The treasurer was made the sole custodian of all the moneys received and securities issued and the sole disbursing officer of the same, without any check upon him whatsoever. He could draw his checks upon the public moneys in favor of whomsoever and for any amount he chose, and on any account he might think proper, without any other member of the board or officer thereof having any knowledge of

It whatever. He has kept no cash account, and the checks he has issued do not correspond with the several amounts reported by him to have been paid; so that there is, as he himself concedes, no means of ascertaining whether his accounts are correct, other than by examining his books and papers in detail, which would have required more time than the committee could devote to it, besides requiring the services of a skilful accountant. From the organization of this board, June, 1871, to this time, the board has not examined these accounts.

#### AUDITOR'S OFFICE.

The mode of doing business in this office was as follows: Upon the presentation to the auditor of an account or estimate purporting to be approved by the board of public works, the auditor issued a certificate of indebtedness, and filed the approval, account, or estimate as his voucher for the issuance of the certificate. But no record or register of such auditing by the board was kept by the board, and it would seem to have been common for a single member to direct accounts to be audited in the name of the board; consequently there are no books that serve as a check upon the auditor, and by the comparison of which with his own books it can be seen whether he has improperly issued certificates. The only way in which his books can be verified is by comparing them with the many thousand vouchers on file in his office.

Notwithstanding the powers of the auditor and of the treasurer, the board, during the three years it has been in existence, has done nothing in the way of verifying the accounts of these two officers. This is a negligence not to be excused in those in whom such important trusts were confided.

Whether moneys have been paid out on false accounts, or diverted to improper purposes, can only be determined from a careful scrutiny of the accounts in detail. In the bill reported by the committee provision is made for having the books and accounts of these officers examined.

Mr. WILSON, of Indiana. I have called the attention of the House to these matters for the purpose of showing the necessity for making a change in the affairs of the government of the District of Columbia. The evidence shows, I think, beyond all question that this indebtedness is now more than \$3,700,000 in excess of the \$10,000,000 after exhausting every available resource. The District is in a sense utterly bankrupt. I regret to say it, but they have no means wherewith to carry on the government any longer. Their treasury is utterly exhausted. They have no money with which to meet current expenses much less to pay their debts. The employés of the District government have been unpaid now many of them for twelve months past, and since last November many of those who have been in the service of the District have been without any pay whatever. I need not take further time on this subject. It is proposed to change this government, and the committee therefore have recommended the first section of the bill, which it is not necessary that I should read as members have it before them and it has already been read at the Clerk's desk. And for the purpose of carrying on the government here *ad interim* it is proposed that there shall be three commissioners appointed by the President and confirmed by the Senate, and that they shall take charge of the affairs of the District and perform the duties now vested in the governor and the board of public works, except as limited in this section. There are limitations, it will be seen, placed on these commissioners such as will, in the opinion of the committee, protect the people of the District from any further incurring of debts.

Mr. NIBLACK. Will my colleague allow me to ask him a question? Mr. WILSON, of Indiana. Certainly.

Mr. NIBLACK. I understand from his statement that there have been many gross violations of law, as well as derelictions of duty, in regard to what has been done in this District during the last three years. The question I desire to ask is whether the committee have recommended or intend recommending any censure or punishment of those officers who have thus violated the law and bankrupted the District?

Mr. WILSON, of Indiana. I presume that that is not within the province of the committee. It is not the business of the committee to recommend the censure or punishment of any person who has been connected with the affairs of the District government.

The second section of the bill provides for a temporary government. The bill then, in the third section, provides for the appointment of an engineer to take charge of the improvements in the city, so far as it may be necessary that they should be carried on, during the time when there is merely a government *ad interim*. The fourth section of the bill is the taxing provision; I pass that over, as the gentleman from New York [Mr. BASS] will give it attention presently. The fifth section has reference to the creation of a permanent form of government. Now, I desire to say to the House that after the committee had closed the taking of testimony, we began to consider the question as to what kind of government we could devise, and after considering that matter with a good deal of care, we came to the conclusion that it would be utterly impossible, in the brief time that we had to devote to the subject before the close of the session, to devise such a framework of a government as ought to exist in the capital of the nation. There were many things that would have to be provided for; such, for instance, as a police for the District, a fire department, schools, and all the other minutiae of the machinery necessary to a complete municipal government.

And inasmuch as it was perfectly apparent to the committee that there ought to be a cleaning up of these matters here, it was deemed best to make such provision if possible as would enable the Congress of the United States to furnish this District with a model municipal government. The whole thing is to be gone over; the committee had not the time to do it. Therefore we came to the conclusion that the best thing to be done was the appointment of a joint committee of the two Houses. The reason for that was that when the joint committee, after having fully considered this whole subject, had prepared

what they deemed a suitable frame-work of government, with the necessary laws for its execution, they could present that bill for the consideration of Congress. In addition to that, it was the desire of the committee that the government which was to be framed should not be regarded in any sense as political of partisan, that it should not be the creation of any party, so far as that could be avoided; therefore the committee provides in this section that this joint committee for the purpose of preparing a frame-work of government for this District shall consist of two members of the House and two members of the Senate.

There is another provision in this section to which I desire in this connection to call the attention of the House. It is provided that this joint committee "shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on its funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based." There is a subsequent provision to which several gentlemen have called my attention. There is a very strong reason in my mind why this should be done.

I have no doubt the chairman of the Committee on Appropriations will bear me out in saying that it is almost impossible to avoid making improper appropriations for this District, where the accounts are brought in from session to session for the purpose of getting appropriations from Congress for the support of the District. In January, 1873, an account was presented to the Committee on Appropriations for over \$1,240,000. Your committee have had that account under consideration, and the evidence shows that to say the very least of it, to speak in the mildest possible way, the account was very inaccurately prepared. Then, again, on the 3d of March, 1873, by reason of claims that had been made by this District government, appropriations were made aggregating upwards of \$2,400,000 for the purpose of supporting this District. Now I can say, without using any harsh words, that the testimony in this case has shown that the accounts were exceedingly loose and inaccurate. And at the beginning of this Congress another bill was presented in the report of the board of public works for 1873 which I ask the Clerk to read.

The Clerk read as follows:

The indebtedness of the General Government to the District of Columbia on account of improvements, as shown in the statement hereto appended, is as follows:

For work in and around Government reservations and public buildings..	\$573,171 75
For work on avenues.....	1,056,574 36
For main sewerage.....	2,540,681 83
	4,170,427 94

Mr. WILSON, of Indiana. Now, without indulging in any criticisms with regard to the appropriations which have heretofore been made, further than what I have already said, we find here that with a view of getting an appropriation from this Congress accounts are presented aggregating over \$4,370,000 for the avowed purpose of getting an appropriation from the Congress of the United States. By this it was expected to lift the burden of debt from the people of this District. It is claimed that the Government owes that amount of money. Now, as I said a while ago, \$570,000 of that amount is for work done in violation of the act of Congress. Then there is another account, a tabulated statement of which will be found in the report, of \$1,056,000. The testimony in this case shows that the account is wholly erroneous. Whether there is anything due, except it may be \$250,000, is wholly problematic. Nobody can tell after looking at the testimony whether or not there is anything due.

The third item of this amount is for sewerage, \$2,740,681.83. That is made up in this way; I wish to call the attention of the House to it, for the purpose of showing how these claims are made up and presented to Congress. There has been a sewerage act passed by this District; the main sewerage when completed will cost \$2,435,855.23. This claim which is presented here is \$304,000 more than the whole main sewerage of this city will cost when it is completed. By the sewerage law the city is divided into sewer districts, and a certain grade of assessments have been made per square foot of the property in the various sewerage districts. Then the board say that the Government has so many square feet of reservations in the District, that there are so many square feet of ground in the avenues and streets in the cities, and the Government being the owner in fee-simple of all the streets and avenues, if you aggregate the reservations and streets and avenues and tax them just as other property is taxed for sewer purposes, you will have \$2,740,681.83; therefore they say the Government of the United States owes this District that amount of money on account of main sewers. That is the way that account is made up.

I state these things for the purpose of showing that for the protection of Congress against improper charges on account of this District, there is an absolute necessity for fixing some *pro rata* amount, some fixed proportional share which shall be paid by Congress for the support of this District; and hence we have embodied that recommendation in a section of this bill.

The sixth section is a provision for an auditing board for the purpose of ascertaining the actual state of the indebtedness of the District. This becomes necessary for several reasons.

Mr. GARFIELD. Does the bill provide that the commissioners who are to be appointed shall fix the ratio of expense to be borne by the United States Government?



Mr. WILSON, of Indiana. Not at all.

Mr. GARFIELD. There is certainly a most imperative necessity that we should know at an early period exactly what part of the expenses of the District the Government of the United States ought to bear.

Mr. WILSON, of Indiana. I am glad the gentleman has asked me that question. This bill does not leave that matter to these commissioners or to the board who are to devise the new frame-work of government. It simply provides that they shall prepare and submit to Congress their views upon that subject, giving their reasons; and then it will be for Congress ultimately to say what shall be the proportion to be paid by the United States. We have guarded the bill in that respect; and I thank my friend for calling my attention to it.

Mr. LAWRENCE. Then the proportion of expense to be borne by Congress is not determined by the bill?

Mr. WILSON, of Indiana. No, sir; that is for Congress to determine hereafter.

Mr. LAWRENCE. Is there anything in the bill which commits Congress to the indorsement or the payment of the District debt?

Mr. WILSON, of Indiana. No, sir; I will call attention to that point in a few moments. I think I can show that the committee has been careful about that.

The sixth section provides for an auditing board; and the purpose of that is to get a complete understanding and accurate information in regard to the indebtedness of this District. It makes provision that the First and Second Comptrollers of the Treasury shall be an auditing board, with power to employ the necessary assistants. Among other duties to be performed by this auditing board is the examination of the accounts of the auditor and treasurer of this board of public works. I have already had read from the desk that portion of the report relating to these two officers. Nobody can tell anything about their accounts. They may be all right; I do not say that they are not; but I do say that no living man can tell anything about them except by going through them in detail. Why, sir, the treasurer of this board of public works could any day draw his own check upon the funds of the board without anybody to molest him or make him afraid. And while these sewer certificates were worth not more than 40 cents on the dollar, if there was any money in the treasury he could, if he had seen fit to do so, have purchased those certificates at this rate of discount with the funds of the District. There was nothing in the system under which business was done which would have prevented him from doing that very thing.

Mr. CHIPMAN. In order that the House may not be impressed with the idea that the board of public works is responsible for what the gentleman is now stating, I wish to call his attention to section 37 of the organic act, by which Congress placed in the hands of the board of public works entire control over the funds appropriated for the city by the District of Columbia or by the United States. It was provided that "upon their warrant all money appropriated by the United States or the District of Columbia or collected from property-holders," &c., should be disbursed.

Mr. WILSON, of Indiana. Ah! Mr. Speaker, I wish I had time to go into this question; I would answer the gentleman to his entire satisfaction. If he will go back and trace in the Globe the history of that provision he will find that Congress never intended that this board should have any such power; he will find that my colleague on the other side procured a change in the language of the law to the end that that thing should not be done. And I say here that this is one of the usurpations and unlawful acts of this board. I did not intend to say anything about it.

Mr. CHIPMAN. I did not suppose the gentleman intended to make any false impression.

Mr. WILSON, of Indiana. I do not.

Mr. CHIPMAN. I only desired the House should know what the law is.

Mr. WILSON, of Indiana. I say the law never intended any such thing.

Mr. CHIPMAN. I do not think it ought to have so intended; but it has been so construed.

Mr. WILSON, of Indiana. I did not intend to say one word about that point, because there has been a controversy in regard to the construction of that provision. But if any one will look through the Globe and trace the history of that measure he will find that it was not the intention that such power should be conferred upon this board. But suppose Congress had conferred such power, what was the duty of the board? It was to take the necessary precautions in regard to the disbursement of these millions of public money passing through the hands of this officer. Why, sir, there went through his hands within three or four or five months of last year over \$3,500,000 that was appropriated by Congress; and there was no check upon him whatever in regard to the expenditure.

Because of what the committee have discovered in their investigation in this case, because the treasurer of the board of public works has admitted before the committee that there was no check upon him whatever, the committee has felt it to be its duty to provide a means whereby the accounts of the treasurer and auditor (those of the former footing up more than \$15,000,000, and those of the latter more than \$18,000,000) shall be thoroughly investigated.

Not only that, but I will say to the House further, you may take his reports and go through them from end to end, as my friend from New

York [Mr. Bass] sitting on my right and myself have done, and you will find, in the first place, that he kept no cash account, and if you take the stubs of his checks you will find they hardly ever correspond with the amounts he has credited to himself in his reports. They scarcely ever correspond. So that there is no possible mode of knowing anything about it.

Mr. COBURN. What is the amount of variation?

Mr. WILSON, of Indiana. You cannot tell a thing about it. I do not say they are wrong, but I say finding this condition of accounts the committee have put in the sixth section a provision whereby the accounts of these two officers shall be carefully and thoroughly overhauled.

As I have already said, I do not say there is anything wrong, because I do not know, and there is no means by which I can ascertain. We have provided in this bill that this board of audit shall employ two skillful accountants, non-residents of this District. If there is any possible way by which the country can know the true state of this case we propose by this bill to make it out. Mr. Speaker, here is a great variety of debts. Here is a class of debts called sewer-certificates.

But let me ask the Chair how much time I have left?

The SPEAKER. The gentleman has about seventeen minutes of his hour remaining.

Mr. WILSON, of Indiana. My time is so near out I will have to abbreviate.

The bill provides also, as you will see for funding all the floating debt—getting it in shape. Then it is provided in another section of the bill that the sinking-fund commissioners shall, when this debt has been audited in the manner indicated by the bill, cause to be issued a bond bearing 3.65 per cent. interest, payable in fifty years, and that these various forms of indebtedness may be funded in that bond.

Now the reason of fixing that amount of interest is simply this. The committee ascertain from the testimony that in making some of these contracts, and especially some of these larger contracts, sewer contracts—in fixing the amount which should be paid for the construction of some of these works, an allowance had been made of 15 per cent. for the depreciated paper in which the payments had been made. Taking that into consideration, the committee came to the conclusion, making the best calculation they could, a bond bearing 3.65 per cent. running for fifty years would come as near getting at what is right in this as is possible. It is provided in the bill that these bonds shall not be taxable for State, county, or municipal purposes.

In reference to the question as to whether or not the Congress of the United States is pledged to the payment of these bonds, I will call the attention of the House to that provision of the bill. Here it is:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act—

You will remember what I said about ascertaining the proportion the United States should pay—

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

That is the only pledge given in this bill.

Mr. TOWNSEND. Let me ask the gentleman from Indiana a question. What does the word "will" in line 16 refer to? There is no connection I can see. Will do what?

Mr. WILSON, of Indiana. "Will by proper proportional appropriations."

Mr. TOWNSEND. What will it do?

Mr. WILSON, of Indiana. They have two "wills." It is inaccurately printed in there. "As will provide the revenues necessary for the payment of the interest and principal thereof at maturity." There may be a verbal omission.

Mr. TOWNSEND. After the word "district," in line 19, some word should come in.

Mr. WILSON, of Indiana. There is an omission of a word.

Mr. TOWNSEND. What is the word?

Mr. FORT. Let me ask a question.

Mr. TOWNSEND. I suppose the word is "levy"—will levy.

Mr. WILSON, of Indiana. It should be "as will do so." There is an omission of the two words "do so." The pledge given is simply this: that the Government of the United States having ascertained through an act of Congress hereafter to be passed what will be the proper proportion, then the Congress of the United States pledges itself to pay that proportion, whatever it may be, and by causing taxes to be levied on the property of the District will provide the necessary means to pay the interest and principal at maturity. In that connection let me call the attention of the House to one other fact.

Mr. FORT. Let me ask the gentleman a question. On page 2, line 14, there is a provision in reference to the payment of debts due the laborers and employes of the District and board of public works. Let me ask whether it would not be proper to make provision for the payment of these laborers?

Mr. WILSON, of Indiana. That is all provided for.

The point to which I was going to call the attention of the House before I yield the floor is this: I have been asked the question why

it is that taxes are imposed simply on real estate. Gentlemen will see by looking at the bill that it does not provide that this principle of taxing only real estate in the District shall be continued. It says "that Congress will cause taxes to be levied on the property of the District," not confining it to real estate; and this method of levying taxes on real property is only a temporary expedient for a special reason, which my friend from New York [Mr. BASS] will now explain to the House. I yield the balance of my time to that gentleman, who will withdraw the motion to recommit, and submit a motion for the previous question.

Mr. BASS. At this late stage of the session it was deemed best by the committee that only such general remarks should be made in reference to this bill as would bring fully to the notice of the members of the House the provisions incorporated in it, and the particular evils proposed by it to be remedied. Those have been substantially explained by the chairman of the committee. And he stated at the outset of his remarks that he desired that such questions as might be put by the members of the House with reference to the taxation levied or proposed to be levied by the bill should be answered by myself. If the House will be patient I will endeavor in the briefest possible way to explain as well as I can why the committee recommend in the first place that a tax of 3 per cent. be levied upon the property of the city of Washington, a tax of 2½ per cent. on property in the city of Georgetown, and 2 per cent. on property in the county outside of Georgetown and Washington, for the purpose of maintaining the credit of the District during the ensuing fiscal year, and why it was in connection with that that the committee did not feel it was desirable to recommend in this bill that a tax should be levied upon personal property. The committee recommend the levying of a tax at the rate of 3 per cent. for this reason: Last year the Legislature of this District levied a tax of 2 per cent. on the property in the District, and 1.58 per cent. on the property outside the city in the county. The result of this was that the District Legislature did not provide adequate revenue to pay the current expenses of the year and meet their appropriations, and, as is shown in the report of the committee, there will be a deficiency on the 1st day of July of this year, estimated in round numbers at not less than \$1,000,000. Some of that may be chargeable to the fact that the residents of the District have not paid their taxes which were levied in July, 1873, or rather which became collectible July 1, 1873. That general tax became by the terms of the law which passed the Legislative Assembly of this District collectible on that day. Certain abatements were allowed provided taxes were paid in anticipation of the 1st day of July of this year. But under the provisions of that law the taxes having been levied for the purpose of paying the current expenses of the fiscal year from July 1, 1873, to July 1, 1874, which included the compensation and wages of school-teachers, the payment of all the officers of the District government, the payment of the salaries of the members of the fire department, the payment of the salaries of the members of the police department, the payment of every employé of the government, from the lowest chimney-sweep to the heads of the District departments, we find that the taxes have been collected so slowly that there is now of the taxes then levied more than \$1,000,000 uncollected, though due and collectible, and by reason of that, or to a certain extent by reason of that, this large deficiency is accruing against the District government.

By the estimate of expenditures for the ensuing fiscal year, which has been prepared by the governor of the District to be sent in to the District Legislature, it appears that for the ensuing year, commencing on the 1st of July, 1874, and terminating on the 1st of July, 1875, the current expenses of this District, without some legislation to prevent, will be equal to the annual expenditure for the administration of each one of at least twenty of the States of this Union. In this little Territory, having within its limits only about the amount of territory which is included within an ordinary township in our States, it will cost to pay its current expenses, by this estimate, more than \$2,600,000 for the ensuing fiscal year, including the amount necessary to pay the interest on the funded debt. It therefore becomes necessary to raise this money, or else Congress will imitate the example set by the District Legislature and by levying an inadequate tax let the District still run into bankruptcy. Therefore your committee have recommended to Congress that, facing this question boldly, they should levy on the District a tax necessary to enable it to pay its school-teachers and its firemen and its employés in every department, and thus relieve them from distress and the District from a breach of faith. For this purpose they have found it necessary to levy this tax of 3, 2½, and 2 per cent., and it will produce the amounts to which I will now call the attention of the House. Gentlemen will find, if they look on page 24 of the report, the table containing the estimates of the necessary expenses of the District government for the ensuing year.

Gentlemen will find also upon page 28 of the report the amount which 1 per cent. upon the property of the District will raise and which 2 per cent. will raise. The House will therefore see that a levy of 3 per cent. on the property of the city, 2½ per cent. upon the property of Georgetown, and 2 per cent. upon the property of the county will produce in round numbers, if the taxes are all paid, the sum of \$2,800,000. This tax the bill makes due and collectible on the 1st day of next November.

It is probably evident to the House why the rate is made to vary in the different localities. The chief expenditures and expenses are

incurred in this city and the chiefest burden must fall here, and the rate recommended is believed to be fair and equitable in consideration of all the circumstances.

There has been some criticism as to some of these provisions of the bill, because, as it is stated, we are levying a double tax this year upon the property of the District. Will you pardon me if I state to you in brief terms what the facts are in that connection and show you that this allegation is unfounded? The last tax levied upon the people of the District of Columbia was levied by an act which passed the District Legislature June 26, 1873, which made the tax collectible on the 1st day of July, 1873, for the purpose of paying the current expenses of the then ensuing fiscal year. No tax has been levied since that time, and these gentlemen who complain that a double tax is levied this year must be the same persons who are in arrears and who did not pay their taxes last year when by the terms of the law they were collectible. The tax now levied ought to be made due on the 1st day of July of this year, but the committee recommend that the time be extended until the 1st of November, because of the fact that during this investigation when the various rumors were abroad in this District, inducing the people to believe that they would have to pay no more taxes and that Congress would assume and pay the expenses of the District, many persons declined to pay their taxes, and therefore this large sum is in arrears. But this tax levy is simply such a one as the committee believe will help to redeem the credit of the District and enable the employés of the government to be paid the sums justly due them.

Perhaps I should state that in addition to the current expenses included in the estimate of the governor, which will be found on page 24 of the report, the District government during the ensuing year will be compelled to pay other sums. There is no estimate stated there for the necessary amount required to keep these streets and avenues in repair, which will cost, as we all know, quite a large sum of money. Nor is there included in this estimate the amount necessary to complete the outstanding contracts which are legal and valid as against the District of Columbia. There is no estimate of the amount necessary during the ensuing year to pay the interest on the floating debt, which is to be funded in the three sixty-five bonds to which reference has been made. These aggregate expenditures at the lowest estimate will amount to \$500,000; and my colleague on the committee from Michigan [Mr. HUBBELL] suggests that there must also be suitable provision for cleaning the streets and alleys, which in this city will amount to probably \$100,000 per year; so that this tax has been put at the lowest estimate. The committee are desirous to reduce it if possible, and save the public credit of the District.

Mr. Speaker, I desire before speaking on the question of levying a tax upon personal property in this District to ask that the amendment of the gentleman from Missouri, [Mr. PARKER,] who has made a suggestion on that subject, be read, for the purpose of indicating to the House that it is impracticable to incorporate any such provision in this bill.

Mr. G. F. HOAR. I desire to ask the gentleman whether there is any objection to directing the committee which is to examine into the affairs of this District and report to the next Congress to include in their report a proper system of taxation for the District?

Mr. BASS. That is included in the general provision. The House will bear in mind that of the gentlemen who are to compose this committee half of them, or one branch of the committee, are to be gentlemen of this House and the two other members are to be appointed by the Presiding Officer of the Senate and are to be members of the Senate. The committee did not feel that it was within their province to lay down rules which should govern their colleagues in preparing a frame of government for the District of Columbia. It was deemed best and wisest under all the circumstances to give those gentlemen the opportunity to frame, as my friend from Indiana has said, a model form of government for this District, giving them the widest latitude and the widest discretion as to their recommendations.

I am now willing to hear the amendment of the gentleman from Missouri read, and then I will ask an opportunity to answer his proposition briefly.

The Clerk read the amendment proposed by Mr. PARKER, of Missouri, as follows:

After the word "estate," in section 4, line 4, insert the words "and all personal property."

The SPEAKER. Does the Chair understand the gentleman from New York to admit that amendment?

Mr. BASS. No, sir; I simply let it be read in order that I may make some suggestions why the committee did not deem it best to incorporate such a provision in this bill. I desired to have it read for that purpose and no other.

Mr. PARKER, of Missouri. I desire to state that the gentleman from New Hampshire [Mr. SMALL] has prepared an amendment which is perhaps more perfect than mine, and I would like to have it read.

Mr. FORT. I have also prepared an amendment, and I would be glad if the gentleman would allow it to be read.

Mr. BASS. I will hear it read.

The Clerk read the amendment, which was to add to section 4 the following:

Provided, Personal property to the amount of \$100, consisting of necessary household and kitchen furniture, owned and used by any family, shall be exempt from taxation and no more.

Mr. SMALL. I desire to have an amendment read.



Mr. BASS. I will hear it read.

The Clerk read the amendment, as follows:

Amend section 4 by striking out all after the word "District" in the fifth line, down to and including the word "purposes" in the seventh line, and insert "and all the personal property of the inhabitants of said District not exempted by law from taxation;" and insert after the word "real" in the eighth, tenth, and twelfth lines the words "and personal."

And insert after section 4 the following additional section:

SEC. — All real estate in said District, and all personal property of the inhabitants of said District, not expressly exempted by law, shall be subject to taxation. Personal estate, for the purpose of taxation, shall include goods, chattels, and effects wherever they are; ships and vessels, money at interest, and other debts due to the persons to be taxed, more than they are indebted or pay interest for, and stocks and securities.

The following named property shall be exempted from taxation, to wit: property of the United States and of the District of Columbia; property used for charitable and educational purposes; household furniture of every person, not exceeding in value \$1,000; the wearing apparel of every person, and farming utensils and mechanic's tools, necessary for carrying on his business.

Mr. G. F. HOAR. I suggest an amendment to the fifth section of the bill to insert after the words "the reasons upon which their conclusions may be based" the words "and they shall further prepare and submit a just scheme for the taxation of personal property with suitable exceptions."

Mr. BASS. I cannot admit or consent to any amendments for reasons which I stated a moment ago. It seems to me those reasons will commend themselves to the good judgment of members of this House. It does not seem to be exactly proper that a committee of this House, appointed to investigate the affairs of this District, should recommend to this House what some other committee to be appointed by the House, of men who are equal to, and I hope of better capacity than ourselves, shall do in regard to preparing a frame of government for this District. That committee will have the Constitution before them which gives to Congress the exclusive power of legislation over this District. Your committee therefore have not seen that it was right that they should say to this House that any other committee appointed by this honorable body should be constrained or restricted by provisions which were not thrown around ourselves. We think they should be given the widest range for the performance of their duties. The gentlemen who will be selected will prepare a frame-work of government which at least will commend itself to them, and when it comes before Congress for action, if they shall think proper, it can be amended.

Mr. G. F. HOAR. I desire to call the attention of the gentleman to the fact that this bill requires that the joint committee to be appointed shall prepare a frame-work of government. What I want is that that committee shall include in their frame-work of government a just scheme of taxation of personal property. It is a thing which cannot be prepared in a moment. That committee can prepare it as a part of their scheme and Congress may adopt it or not.

Mr. BASS. That is a part of the work, and the committee can do as they think proper about it.

Mr. GARFIELD. I think the section contained in the bill is perfectly right. It requires the gentlemen of the committee to bring in a draught for a frame of government, and that draught must include provisions for taxation. They ought to have the whole range to determine whether personalty or realty, church property or charitable property, or property of any other kind, shall be taxed or shall be exempt from taxation. We should not give them any instructions other than to bring in a general law.

Mr. PARKER, of Missouri. Does the gentleman from Ohio [Mr. GARFIELD] believe that under this temporary arrangement we should not tax personal property?

Mr. BECK. I desire to have an amendment read. The gentleman has allowed other amendments to be read.

Mr. BASS. Only for the purpose of bringing before this House the precise proposition as to which inquiries have been made.

Mr. BECK. I made an inquiry. I ask if the gentleman refuses to allow my amendment to be read?

Mr. BASS. It already appears that no two propositions which have been read, offered by distinguished gentlemen upon this floor, are at all in accord with reference to the method that shall be pursued. There are two hundred and eighty-eight other gentlemen on this floor, and they undoubtedly would all disagree upon that subject.

Mr. BECK. I desire to inquire how much time the gentleman has left?

The SPEAKER. It is about expiring.

Mr. BECK. I hope it will expire before long.

Mr. BASS. I desire to make two or three other suggestions. In the first place your committee during this interregnum do not propose to revolutionize all the laws of this District and to impose a tax on personal property. They do not propose that for the reason that there has been a District Legislature here for the last three years, representing as it was supposed the views of the people of the District, to some extent at least, and that Legislature each session has adopted and ratified this system of taxation. Their statutes, which are contained in a volume of some size, provide for this system of taxation upon real estate only. Your committee have recommended a modification of the District laws, only in so far as it was absolutely necessary to carry out the plan proposed by the committee in making these necessary changes. So far therefore as they could avoid any other modifications of the District laws they have permitted them to re-

main in force because they were the best expositions of what the people themselves here wanted.

Another difficulty arose with reference to the persons who should pay a personal tax in this District. This subject having been fully and at length discussed by the committee, they agreed, in general with the feeling which seems to be expressed here, that if it could be done it would be best that such a tax should be levied; and they have supposed that the new joint committee will recommend such a modification of existing laws. That, however, is within their discretion. Only a small percentage of the people in this District are what may be termed permanent residents here. There are many people residing here who vote in other localities, and therefore pay a tax upon personal property elsewhere. To provide machinery to ascertain just which of the people residing here should pay a personal tax was not within the power of the committee in the short time they had to devote to the preparation of this bill. There has been and is no assessment of personal property within this District under the present form of government.

The committee desired that this tax should commence to be paid on the 1st of July; it is necessary the payment should begin then. If you undertake to perfect a scheme for assessing personal property, it will take two or three months for the assessment, for the hearing of appeals before a board which must be constituted for that purpose, and for the issuing of warrants for enforcing the collection of the tax. Such a scheme, if we undertake to devise it, would cover half as many pages at least as the bill which has been reported by our committee.

Mr. MERRIAM. I have a scheme here on one sheet of paper.

Mr. BASS. For the reasons I have stated, and for others which I will not stop to detail, the committee have decided that in their judgment it would not be proper or practicable within the five months between the close of the present session of Congress and the commencement of the next session to revolutionize the laws of this District for the purpose of levying a personal tax. As a matter of necessity this whole subject will come back to Congress for final disposition at the next session.

Mr. WILSON, of Indiana. I withdraw the motion to recommit and move the previous question upon the bill.

Mr. BECK. I hope the House will vote down the previous question.

The SPEAKER. It is a matter which a majority of the House must settle.

Tellers were ordered; and Mr. WILSON, of Indiana, and Mr. BECK were appointed.

Mr. COTTON. We ought to be allowed some opportunity to discuss this bill and suggest amendments.

The House divided; and the tellers reported—ayes 94, noes 70.

So the previous question was seconded.

The question then recurred on ordering the main question.

Mr. BECK. On that question I demand the yeas and nays.

Mr. CHIPMAN. As I understand, if the main question is ordered it closes all discussion on this bill.

Mr. BECK. And shuts out all amendments. It gags the House.

The yeas and nays were ordered; there being ayes 30, noes not counted.

Mr. HOLMAN. I wish to make a parliamentary inquiry. If the main question be not ordered, will not the bill be still open for amendment?

The SPEAKER. If the gentleman from Indiana [Mr. HOLMAN] is in doubt on that question, he should refer to Barclay's Digest.

Mr. HOLMAN. The Chair generally answers such questions more respectfully.

The SPEAKER. The Chair does not regard this as properly a parliamentary inquiry.

Mr. HOLMAN. Not a parliamentary inquiry!

The SPEAKER. The Chair has no hesitation in saying that it is not.

Mr. HOLMAN. Certainly it seems to me a proper parliamentary inquiry, and such a one as has usually been respectfully answered by the Chair heretofore.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 134, nays 111, not voting 44; as follows:

YEAS—Messrs. Albert, Averill, Banning, Barrere, Barry, Bass, Begole, Bell, Bowen, Bromberg, Buckner, Bundy, Benjamin F. Butler, Cain, Cason, Amos Clark, Jr., Freeman Clarke, Clymer, Coburn, Comingo, Conger, Cox, Crittenden, Crooke, Crounse, Crutchfield, Darrall, Davis, Dawes, Donnan, Duell, Field, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Hays, Hendee, Herndon, Hodge, Hooper, Hoskins, Houghton, Howe, Hubbell, Jewett, Killinger, Knapp, Lamison, Lansing, Loughridge, Marshall, Alexander S. McDill, James W. McDill, MacDougall, Monroe Moore, Morey, Morrison, Neal, Negley, Nesmith, Niles, O'Brien, Orr, Packard, Packer, Page, Hosea W. Parker, Parsons, Pellham, Pendleton, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Potter, Purman, Rainey, Rapier, Ellis H. Roberts, James C. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Shcats, Sheldon, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Southard, St. John, Stone, Storm, Strait, Swann, Sypher, Taylor, Townsend, Tyner, Waldron, Walls, Wells, Wheeler, Whitehead, Whitehouse, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, Jeremiah M. Wilson, Wood, and Woodford—134.

NAYS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Barber, Beck, Berry, Biery, Bland, Blount, Bradley, Bright, Brown, Bullinton, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cessna, John B. Clark, Jr., Clements, Stephen A. Cobb, Cook, Corwin, Cotton, Cramer, Crocker, Crossland, Danford, Debbins, Dummell,

Eames, Eldredge, Fort, Giddings, Glover, Hagans, Harmer, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Holman, Hutton, Huribut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lawrence, Lawson, Leach, Lofland, Lowe, Lowndes, Lynch, Magee, Martin, McCrary, McKee, McLean, Merriam, Milliken, Mills, Myers, Niblack, O'Neill, Orth, Isaac C. Parker, Perry, Ransier, Ray, Read, Rice, Robbins, James W. Robinson, Sener, Sherwood, Sloan, Sloss, H. Boardman Smith, John Q. Smith, Speer, Sprague, Standiford, Stowell, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Whitthorne, George Willard, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Woodworth, and John D. Young—111.

**NOT VOTING**—Messrs. Adams, Barnum, Roderick R. Butler, Clayton, Clinton L. Cobb, Curtis, DeWitt, Durham, Eden, Elliott, Farwell, Freeman, Gunter, Robert S. Hale, John T. Harris, Hereford, Hersey, Hunter, Lampport, Lewis, Luttrell, Maynard, McNulta, Mitchell, Nunn, James H. Platt, jr., Pratt, Randall, Richmond, William R. Roberts, Scofield, Lazarus D. Shoemaker, William A. Smith, Stanard, Starkweather, Stephens, Charles R. Thomas, Todd, Tremain, Waddell, White, Ephraim K. Wilson, and Pierce M. B. Young—44.

So the main question was ordered to be put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BECK demanded the yeas and nays on the passage of the bill. The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 216, nays 22, not voting 51; as follows:

**YEAS**—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barrere, Barry, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Bulliaton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cox, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrell, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatchor, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hutton, Hyde, Hynes, Jewett, Kelley, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Lawrence, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Magee, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, Merriam, Milliken, Mills, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, O'Brien, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Potter, Rainey, Rapier, Read, Rice, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Southard, Speer, Sprague, Standiford, St. John, Stone, Storm, Strait, Swann, Sypher, Charles R. Thomas, Thornburgh, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young—216.

**NAYS**—Messrs. Barber, Bradley, Burchard, Cannon, Cessna, Cotton, Creamer, Eldredge, Kasson, Kellogg, Lawson, Martin, McKee, Orth, Ransier, Ray, H. Boardman Smith, John Q. Smith, Strawbridge, Christopher Y. Thomas, William Williams, and James Wilson—22.

**NOT VOTING**—Messrs. Barnum, Blount, Benjamin F. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Crocker, DeWitt, Durham, Eden, Elliott, Farwell, Freeman, Frye, Gunter, Robert S. Hale, Hancock, Hays, Hersey, Hunter, Huribut, Lampport, Luttrell, Marshall, Maynard, McKunkin, McNulta, Mitchell, Nunn, James H. Platt, jr., Pratt, Purman, Randall, Richmond, William R. Roberts, Lazarus D. Shoemaker, Sloss, William A. Smith, Stanard, Starkweather, Stephens, Stowell, Taylor, Todd, Tremain, Waddell, Jasper D. Ward, White, Whiteley, Ephraim K. Wilson, and Pierce M. B. Young—51.

So the bill was passed.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. PERRY, by unanimous consent, was granted leave to print in the RECORD as part of the debates some remarks he had prepared on the alarm telegraph bill. (See Appendix.)

Mr. COTTON, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill for the government of the District of Columbia. (See Appendix.)

#### PENSION APPROPRIATION BILL.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, notifying the House that that body had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

#### INTERNATIONAL ARBITRATION.

Mr. ORTH, by unanimous consent, from the Committee on Foreign Affairs, reported the following preamble and resolution:

Whereas war is at all times destructive of the material interests of a people, demoralizing in its tendencies, and at variance with an enlightened public sentiment; and whereas, differences between nations should in the interests of humanity and fraternity be adjusted if possible by international arbitration: Therefore,

*Resolved*, That the people of the United States being devoted to the policy of peace with all mankind, enjoining its blessings and hoping for its permanence and its universal adoption, hereby through their representatives in Congress recommend such arbitration as a rational substitute for war, and they further recommend to the treaty-making power of the Government to provide if practicable that hereafter in treaties made between the United States and foreign powers war shall not be declared by either of the contracting parties against the other until efforts shall have been made to adjust all alleged cause of difference by impartial arbitration.

Mr. ORTH. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were adopted.

Mr. SHELDON moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. SMITH, of New York, by unanimous consent, was granted leave to print some remarks on the resolution just adopted. (See Appendix.)

#### WAR CLAIMS.

Mr. LAWRENCE. I ask unanimous consent that to-night, after the Committee on Naval Affairs finish their business, the Committee on War Claims shall have leave to submit their reports. I do not propose to interfere with the business of the Committee on Naval Affairs.

Objection was made.

#### PENSION APPROPRIATION BILL.

Mr. O'NEILL. I rise to submit a privileged report. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill No. 3421, making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1875, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate and agree to the same.

CHARLES O'NEILL,  
ERASTUS WELLS,  
J. M. RUSE.

*Managers on the part of the House.*

A. A. SARGENT,  
D. D. PRATT.

JOHN P. STOCKTON,  
*Managers on the part of the Senate.*

Mr. SPEER. How does that leave the bill in respect to pay for vouchers?

Mr. O'NEILL. It reduces the rate for vouchers from thirty to twenty-five cents.

Mr. SPEER. I supposed it was fifteen.

Mr. O'NEILL. No. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

Mr. O'NEILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I wish to submit a report from the committee of conference on the disagreeing votes of the two Houses on the legislative, &c., appropriation bill.

Mr. MOREY. The session this evening is for reports from the Committee on Naval Affairs, and as it is now very late, I hope the gentleman will withhold his report until to-morrow.

Mr. GARFIELD. The report will be printed in the proceedings of the Senate in the RECORD to-morrow, and I will withhold it for the present, as members desire to see it in print before acting on it.

#### G. J. PILLOW.

Mr. WHITTHORNE entered a motion to reconsider the vote by which the claim of G. J. Pillow, reported adversely from the Committee on War Claims, was laid on the table.

#### JUDGE E. H. DURELL.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, submitted a report concluding with the following resolutions:

*Resolved*, That Edward H. Durell, judge of the district court of the United States for the District of Louisiana, be impeached of high crimes and misdemeanors in office.

2. *Resolved*, That a committee of two be appointed to go to the Senate, and at the bar thereof in the name of the House of Representatives, and of all the people of the United States, to impeach Edward H. Durell, judge of the district court of the United States for the district of Louisiana, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment and make good the same, and that the committee do demand that the Senate take order for the appearance of said Edward H. Durell to answer to said impeachment.

3. *Resolved*, That a committee of seven be appointed to prepare and report articles of impeachment against Edward H. Durell, judge of the district court of the United States for the district of Louisiana, with power to send for persons, papers, and records, and to take testimony under oath.

Mr. WILSON, of Indiana. I move that the report be printed and recommitted to the Committee on the Judiciary.

The motion was agreed to.

Mr. TREMAIN presented the views of a minority, as follows:

The undersigned, members of the Judiciary Committee, dissent from the conclusions of the majority of said committee, that E. H. Durell, judge of the district of Louisiana, should be impeached for high crimes and misdemeanors, and recommend that all proceedings against him be discontinued and dismissed.

LYMAN TREMAIN.  
WILLIAM P. FRYE.  
JOHN CESSNA.  
J. D. WARD.



Mr. POLAND also presented the following minority report:

The undersigned, member of the Judiciary Committee, for himself desires to say—First. In relation to the *midnight order*, although he believes the judge had no proper legal jurisdiction to make it, still he is not able to find that the judge acted corruptly, or with any belief that he was going beyond his jurisdiction in making it. The law under which he acted was new, and no rules or precedents had been established under it. The whole people were excited, the times were violent and turbulent, and judicial calmness or correctness could hardly be expected.

Secondly. The evidence seems to establish that some of the officers of Judge Durell's court were guilty of very corrupt practices and that he was not watchful to scrutinize their conduct; but there is no claim that he ever shared in any of the proceeds of their gains, and no direct evidence that he knowingly sanctioned or approved their action.

Thirdly. Where the evidence obtained by substantially an *ex parte* examination, only secures a bare majority of the committee, it does not appear to me that the public interest will be furthered by presenting articles of impeachment to the Senate for trial.

LUKE P. POLAND.

The minority reports were also ordered to be printed and recommended to the Committee on the Judiciary.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

An act (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phoebe Sofield, a pensioner;

An act (S. No. 536) granting a pension to Livanna Ingraham;

An act (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes;

An act (S. No. 609) granting a pension to Margaret A. Hoffner;

An act (S. No. 613) granting a pension to Jefferson A. French;

An act (S. No. 690) granting a pension to Thomas Smith;

An act (S. No. 767) granting a pension to Andrew J. Lasley;

An act (S. No. 768) granting a pension to John S. Long;

An act (S. No. 814) granting a pension to Ebenezer W. Brady;

An act (S. No. 877) granting a pension to John W. Truitt;

An act (H. R. No. 792) to amend and supplement an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and for other purposes;

An act (H. R. No. 886) to provide for the election of Congressman at large for the State of Alabama;

An act (H. R. No. 1227) granting a pension to Eliza A. Maxham;

An act (H. R. No. 1948) granting a pension to Mary J. Blood;

An act (H. R. No. 2695) granting a pension to Charles McCarty;

An act (H. R. No. 3606) granting a pension to Mary E. Grosvenor; and

An act (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States.

#### BUSINESS FOR THIS EVENING.

Mr. LAWRENCE. I ask unanimous consent that the Committee on War Claims may have leave to make reports this evening, not to interfere with the business of the Committee on Naval Affairs.

Mr. SPEER. What is the order for this evening?

The SPEAKER. The Chair has in his hand the order. It is that Wednesday evening, June 17, be set apart for the consideration of reports from the Committee on Naval Affairs.

Mr. GARFIELD. And no other business to be transacted.

The SPEAKER. Not unless the House so orders.

Mr. LAWRENCE. Well, I ask that the Committee on War Claims may be called for reports to go upon the Calendar.

Mr. SENNER. If any adverse reports are to be made, I object.

#### SESSION FOR DEBATE.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that Friday evening next be set apart for general debate, no business whatever to be transacted.

Several members objected.

Mr. GARFIELD. We cannot say at present whether that evening can be spared for debate.

Mr. SCOFIELD. I move that the House do now take a recess.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House took a recess until half past seven o'clock.

#### EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock, Mr. HOSKINS occupying the chair as Speaker *pro tempore*.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. By order of the House the session of this evening is exclusively for the consideration of business from the Committee on Naval Affairs.

Mr. GOOCH. I move that the House take a recess for fifteen minutes.

Mr. CESSNA. I suggest that the gentleman say ten minutes.

Mr. GOOCH. I will move that the House take a recess until fifteen minutes to eight o'clock; that will be twelve and a half minutes.

The motion was agreed to; and the House accordingly took a recess until a quarter to eight o'clock.

The recess having expired, the House resumed its session at a quarter to eight o'clock.

#### PETITION OF CHOCTAW NATION.

Mr. BUTLER, of Tennessee, by unanimous consent, presented the petition of delegates representing the Choctaw Nation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### ORDER OF BUSINESS.

Mr. KELLEY. I ask unanimous consent to have a bill referred to the Committee on Commerce, not to be brought back by a motion to reconsider.

Mr. HALE, of Maine. I object.

#### GOVERNMENT OF THE NAVY.

Mr. ARCHER, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 716) for the better government of the Navy of the United States.

The bill was read.

The first section provides that on and after the passage of the act any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill.

The second section prohibits the accounting officers of the Treasury from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March 3, 1865, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out of the national forces, and for other purposes," to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued to demand as often as once in six months, a trial as provided for in said act.

The third section repeals so much of the act entitled "An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes," approved July 4, 1864, as provides that cadet engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy, and provides that cadet engineers shall hereafter be appointed annually by the Secretary of the Navy, and that the number appointed each year shall not exceed twenty-five; and it further repeals all acts or parts of acts inconsistent with the provisions of the act.

Mr. WILLARD, of Vermont. Will the gentleman state wherein this bill changes the existing law?

Mr. ARCHER. I will state for the information of the gentleman from Vermont and of the House that this bill has three objects. The first one is to correct an error which we think has sprung up in the Navy Department, where commissions are dated back and pay is drawn on those commissions when really no vacancy existed in the rank to which the officer was appointed. That is the first section of the bill. It restrains the payment to officers whose commissions are dated back in consequence of their absence at sea, or because from other causes there is delay in their receiving them until vacancies occur in that grade. The section is reported in the interest of economy.

The second section of the bill provides a remedy against one class of claims on the Treasury. Officers who were dismissed from the service during the war, and in the hurry and confusion there have been errors or some technical defects in their orders of dismissal, now come back in many instances and claim that they were illegally dismissed from the service and should be restored because some technicality had not been complied with. Although they have been following different pursuits for six or eight years, they come back and claim to be restored, and when restored they claim that as the dismissal was illegal they ought to be paid for all the years they have been out of the service. This second section provides that no officer shall be paid in such case unless he has every six months made application to be restored. That prevents their coming in on old, stale claims and receiving back pay after being reinstated. In some instances officers have made claims for as high as \$8,000 or \$9,000.

The last section of the bill provides for a reduction that has really taken place in the Navy. The act of Congress referred to in that section, and which allowed the appointment of only fifty cadet engineers, is not now required; the service does not now require so many young officers in the cadet corps as it did at the time of the passage of that act. The Secretary of the Navy thinks that twenty-five instead of fifty cadet engineers appointed annually will answer all the needs of the service. I believe the committee were unanimous in recommending the passage of this bill.

The bill was then read the third time, and passed.

Mr. ARCHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, in-

formed the House that the Senate had agreed to the amendments of the House of Representatives to a bill of the Senate of the following title:

A bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

The message further announced that the Senate had passed, without amendments, bills of the House of the following titles:

A bill (H. R. No. 3678) for the relief of saving institutions having no capital stock, and doing business solely for the benefit of depositors; and

A bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 633) for the relief of A. H. Von Leutwitz, late lieutenant Third United States Cavalry; and

A bill (S. No. 683) to authorize the use of gilt letters for the names of vessels.

#### PUBLIC MARINE SCHOOL.

Mr. SCOFIELD. I have myself no bills to report from the Committee on Naval Affairs. Other members of the committee have all the bills to be reported, and I will thank the Chair to recognize members of the committee in the order of their appointment.

Mr. GOOCH, from the Committee on Naval Affairs, reported back, with a substitute, Senate bill No. 176, to encourage the establishment of public marine schools.

The substitute authorizes and empowers the Secretary of the Navy, in order to promote nautical education, to furnish, upon the application of the governor of a State, a suitable vessel of the Government, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, seamanship, marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels, or any particular branch thereof; and the President of the United States is authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents or instructors in such schools; provided that if any such school shall be discontinued, or the good of the service shall require it, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled; and provided further that no person shall be sentenced to or received at such schools as a punishment or condition of punishment for crime.

Mr. WILLARD, of Vermont. Is the expense of this to be borne by the United States Treasury?

Mr. GOOCH. It is understood that this is to impose no responsibility whatever upon the Treasury of the United States.

Mr. WILLARD, of Vermont. What would these vessels be doing if not employed in this business?

Mr. GOOCH. It is known that we have now quite a number of vessels that can be employed in no particular service beneficial to the Government. Those vessels may just as well be detailed for the use of these schools, where they will be of some benefit to the people and where the Government will be relieved from the responsibility of keeping two or three ship-keepers on board of each of them. This bill is carefully guarded; these vessels are to be granted to these institutions only in case they can be taken without any detriment to the public service, and the Secretary of the Navy has the power to call for their return at any time when he sees fit to do so. So it will be seen that the bill cannot impose expense upon the General Government.

Mr. WILLARD, of Vermont. The officers and crew are to be detailed I suppose from the Navy.

Mr. GOOCH. No crew is to be detailed.

Mr. WILLARD, of Vermont. Only officers?

Mr. GOOCH. Only certain officers who are to be employed as instructors; and these are to be detailed only when they can be spared from the public service as well as not.

Mr. HURLBUT. Who is to receive and take charge of these vessels when they are detailed?

Mr. GOOCH. They are to be called for by the governor of the State; and then they pass into the custody of the institutions to which they are loaned. It is presumed that the governor will not ask for a vessel unless there be an institution of such a character that it will be safe to intrust a vessel to it.

Mr. HURLBUT. One other question: Will the gentleman tell us whether or not any such school for the education of seamen is now in active operation?

Mr. GOOCH. I do not know that there is in this country.

Mr. ARCHER. I beg leave to correct the gentleman; I understand there is one in New York and also one in Boston.

Mr. GOOCH. I misunderstood the gentleman's question. I understood him to inquire whether any vessels had already been detailed to any such school.

Mr. HURLBUT. No, sir; my inquiry was whether any such schools are now in operation.

Mr. GOOCH. The Institute of Technology, in Boston, is very anxious to have a vessel detailed for this purpose. So is also a school established in the city of New York. Those gentlemen who are acquainted with the character of the Boston institution to which I refer will at once understand that if that institution takes hold of this branch of instruction, the highest skill and the best talent in the country will be employed in connection with it.

It seems to me, Mr. Speaker, that there is here afforded an opportunity for educating our merchant marine with little or no expense to the Government, so that we shall have in that service men who will give character to our nation as they go over the world, men who will be true representatives of our people and our Government in every port. Here, sir, is offered an opportunity to educate this class of men so that they shall honorably represent the nation whose flag they float.

We all know that when the recent war broke out we were obliged to call men from the merchant marine to aid in officering our ships of war. Under the system of instruction proposed by this bill if the exigency should again arise we can call for a class of educated men to render a service to the Government which they will be just as competent to render as they would be if they had been educated at the expense of the Government.

In addition to that this bill is designed to encourage and promote the study of naval architecture, a branch of study which has been neglected in our country. I certainly hope the bill may receive the sanction of the House and become a law.

The question being taken on agreeing to the substitute, it was agreed to.

The question being then taken on ordering the bill, as amended, to be read a third time, there were—ayes 46, noes 6; no quorum voting.

Mr. HOLMAN. This is a new scheme of expenditure; and I must insist on a quorum.

Tellers were ordered; and Mr. HOLMAN and Mr. GOOCH were appointed.

The House divided; and the tellers reported—ayes 103, noes 20; no quorum voting.

Mr. GOOCH. I call for the yeas and nays.

Mr. CLYMER. I move that the House adjourn.

Mr. PLATT, of Virginia. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 22, nays 127, not voting 140; as follows:

YEAS—Messrs. Barrere, Cain, Cassan, Freeman Clarke, Clymer, Cook, Cox, Crooke, Crossland, Danford, Giddings, Killinger, Leach, Magee, Martin, Merriam, Moore, Ellis H. Roberts, Sener, Storm, Jasper D. Ward, and Charles W. Willard—32.

NAYS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Bell, Berry, Biery, Blount, Bowen, Bradley, Bromberg, Buckner, Buflinton, Bundy, Burchard, Burling, Burrows, Roderick R. Butler, Cannon, Cason, Amos Clark, Jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Curtis, Davis, Dobbins, Donnan, Dunnell, Field, Fort, Frye, Glover, Gooch, Gunckel, Gunter, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Holman, Hoskins, Hanton, Hurlbut, Hyde, Kelley, Kellogg, Kendall, Knapp, Lamson, Lamport, Lawrence, Lawson, Lowe, Marshall, McCary, James W. McGill, MacDougall, Milliken, Mills, Myers, Neal, Niblack, O'Neill, Orr, Hosea W. Parker, Isaac C. Parker, Pendleton, Pierce, James H. Platt, Jr., Thomas C. Platt, Poland, Ray, Rice, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Henry J. Scudder, Sheats, Sherwood, Sloan, Sloss, Small, A. Herr Smith, Sprague, Starkweather, Stone, Strait, Townsend, Vance, Waldron, Wallace, Marcus L. Ward, Whitehead, Whitehouse, Whitthorne, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—127.

NOT VOTING—Messrs. Adams, Averill, Barnum, Barry, Bass, Begole, Bland, Bright, Brown, Benjamin F. Butler, Caldwell, John B. Clark, Jr., Clayton, Clinton L. Cobb, Comingo, Creamer, Crittenden, Crocker, Crutchfield, Darrall, Daves, DeWitt, Duell, Durham, Eames, Eden, Eldredge, Elliott, Farwell, Foster, Freeman, Garfield, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Hathorn, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, Hooper, Houghton, Howe, Hubbell, Hunter, Hynes, Jewett, Kasson, Lamar, Lansing, Lewis, Lofland, Loughbridge, Lowndes, Luttrell, Lynch, Maynard, Alexander S. McGill, McKim, McKee, McLean, McNulta, Mitchell, Monroe, Morey, Morrison, Negley, Nesmith, Niles, Nunn, O'Brien, Orth, Packard, Packer, Page, Parsons, Pelham, Perry, Phelps, Phillips, Pike, Potter, Pratt, Purnan, Rainey, Randall, Ransier, Rapier, Read, Richmond, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Spear, Stanard, Standford, Stephens, St. John, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Waddell, Walls, Wells, Wheeler, White, Whiteley, George Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—140.

So the House refused to adjourn.

During the roll-call,

Mr. STONE stated that his colleague, Mr. WELLS, was detained at his room by sickness.

Mr. ALBRIGHT stated that his colleague, Mr. SHOEMAKER, was absent on account of a death in his family.



Mr. CONGER stated that his colleague, Mr. HUBBELL, was absent in attendance on the District investigating committee.

The vote was then announced as above recorded.

Mr. HOLMAN. I ask that the bill be again read, and then if the House chooses to pass it, a quorum being present, I will make no further objection.

The bill was again read.

Mr. HOLMAN. I wish to say a word in reference to this measure. We have been told by the gentleman from Massachusetts [Mr. GOOCH] that this will not be any great expense to the Government. He also entertains the opinion that it will be very beneficial in promoting the interest of the Government. I do not believe it is by agencies like this the interest of the Government can be promoted, or the interest either of the mercantile marine or of the Navy proper which is engaged in public affairs. I do not think this is one of the influences by which our commerce is to be promoted or our Navy strengthened. I do not indulge in any such hope. I am confident, on the contrary, if we pass this measure we will open up another source of expenditure from the public Treasury.

It is impossible, Mr. Speaker, to detail vessels from the Navy with professors detailed from the ranks of the Navy at the various ports of the United States without being in its very inception a source of heavy expense to the Government. That is inevitable. It is absolutely certain it will ripen into a heavy expense. I do think, circumstanced as we are now, an agency like this, which will inevitably lead to an expenditure of the public money, should not be voted unless there is some pressing necessity for it and a certainty that the ultimate result will be beneficial to the country. We know what has been the result of similar attempts in the way of establishing educational institutions throughout the country. I think it is an unwise measure, and hope it will be rejected.

The question recurred on ordering the bill to a third reading.

The House divided; and there were—ayes 72, noes 40.

So (no further count being demanded) the bill was ordered to a third reading; and it was accordingly read the third time.

The question then recurred on the passage of the bill.

The House divided; and there were—ayes 70, noes 40.

So (no further count being demanded) the bill was passed.

Mr. GOOCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### DAHLGREN GUNS.

Mr. GOOCH also, from the same committee, reported a bill (H. R. No. 3742) to authorize the purchase of certain improvements in ordnance; which was read a first and second time.

The bill authorizes and directs the Secretary of the Navy to pay to the widow of the late Rear-Admiral John A. Dahlgren \$50,000 for and on account of the past use and the right hereafter to use in the manufacture of ordnance and projectiles by the United States each of the improvements patented by said Dahlgren in the form, the mode of casting, the finish of naval ordnance, and in casting iron shells; and a sufficient sum for this purpose is thereby appropriated out of any moneys of the Treasury not otherwise appropriated.

Mr. HOLMAN. This ought to be considered more carefully than it can be considered this evening, and I therefore suggest it go to the Committee of the Whole on the Private Calendar. I make the point of order for that purpose.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the bill is referred to the Committee of the Whole on the Private Calendar and ordered to be printed.

#### CHELSEA STREET, BOSTON.

Mr. GOOCH also, from the same committee, reported a bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, formerly Charlestown, in connection with the United States navy-yard; which was read a first and second time.

The bill, which was read, appropriates out of any money in the Treasury not otherwise appropriated the sum of \$1,638.53 to reimburse the city of Boston for expenses incurred in the improvement of Chelsea street, bordering on the United States navy-yard, in what was formerly known as Charlestown, Massachusetts.

Mr. HOLMAN. I will not make the point of order, but I ask the report accompanying it be read.

Mr. GOOCH. Let the Clerk read the letter of the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT,  
Washington, January 9, 1874.

SIR: I have the honor to submit herewith copy of a communication dated the 12th ultimo, with its respective inclosures, addressed to me by Commodore C. R. P. Rodgers, Chief of the Bureau of Yards and Docks, relative to a claim made by the authorities of Charlestown, Massachusetts, to be reimbursed for expenses incurred in the improvement of that portion of Chelsea street bordering on the United States navy-yard, amounting to \$1,638.53. As it seems but fair that the Government should pay its proportion of the expense incurred by the city authorities in making the improvements in question, I would respectfully recommend that Congress appropriate the necessary sum for the purpose.

Very respectfully,

GEO. M. ROBESON,  
Secretary of the Navy.

HON. A. R. CRAGIN,  
Chairman Committee on Naval Affairs, United States Senate

Mr. GOOCH. I will say that the city of Charlestown built a sidewalk around the navy-yard in that city. They charged to the United States Government exactly what they charged to each of the land-owners on the street for the building of the sidewalk, and the Secretary of the Navy would have paid it but he had no fund from which he could take the money, and therefore recommends that Congress pay the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOOCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL S. MERSHON, JR.

Mr. HAYS. I am instructed by the Committee on Naval Affairs to move that the rules be suspended, and that the bill (S. No. 134) for the relief of Daniel S. Mershon, jr., be taken from the Speaker's table and put upon its passage.

Mr. STORM. I rise to a question of order. Under the order under which we meet to-night have we a right to go to the Speaker's table?

Mr. HAYS. This bill has been considered by the Committee on Naval Affairs, and I am instructed to ask its passage.

The SPEAKER *pro tempore*. The Chair thinks that the House has a perfect right to go to the Speaker's table for any bill reported from the Committee on Naval Affairs; but that can only be done by a suspension of the rules.

Mr. FORT. I would like to hear read the order under which the House met this evening.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The bill was read. It directs that there be paid to Daniel S. Mershon, jr., out of any money in the Treasury not otherwise appropriated, the sum of \$46,715.08, in full payment and discharge of the claim of said Mershon for work done and material furnished in the construction of the side-wheel steamer Cinarron.

Mr. LAWRENCE. How does this bill come from the Speaker's table?

Mr. HAYS. I do not yield to the gentleman from Ohio.

Mr. LAWRENCE. I have a right to make a point of order.

Mr. HAYS. The point of order has been already made and overruled.

Mr. LAWRENCE. The gentleman does not know the point of order I desire to make.

The SPEAKER *pro tempore*. The gentleman from Ohio will state his point of order.

Mr. LAWRENCE. The order of the House was that the session this evening should be for the consideration of reports from the Committee on Naval Affairs. I submit that under that order we cannot go to the Speaker's table. I ask that the order be read.

Mr. SCOFIELD. I send to the desk the motion I made for the session this evening as it appears in the CONGRESSIONAL RECORD.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. HAYS] stated in his place that this bill had been considered in the Committee on Naval Affairs. Upon that statement the Chair ruled that under the order of the House it was in order to move to suspend the rules and take the bill from the Speaker's table. The Chair is now informed that the bill has not been before the House committee, and he therefore rules that the point of order is well taken.

Mr. GOOCH. Before the Chair makes his final ruling, I should like to have the order read.

Mr. SCOFIELD. Let it be read from the RECORD.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House this evening is acting.

Mr. SCOFIELD. The piece of paper which the Clerk holds in his hand is not my motion. It is correctly reported in the RECORD.

The SPEAKER *pro tempore*. The Clerk will read the motion as it appears in the RECORD, and also the order as it appears on the Journal. The Chair is informed that they are identical.

The Clerk read from the CONGRESSIONAL RECORD, as follows:

Mr. SCOFIELD. I ask unanimous consent that a session be ordered for Wednesday evening next, for business of the Committee on Naval Affairs, including bills already reported but not acted on.

Mr. LAWRENCE. That does not include bills on the Speaker's table.

The SPEAKER *pro tempore*. The Clerk will now read the entry on the Journal.

The Clerk read as follows:

Ordered, That Wednesday evening next, June 17, be set apart for the consideration of reports from the Committee on Naval Affairs.

The SPEAKER *pro tempore*. The Chair is clearly of opinion that under this order of the House it is only in order to take up such bills as shall be reported from the Committee on Naval Affairs, and that the House cannot go to the Speaker's table for the purpose of taking therefrom any bill which has not been acted upon by the committee. The Chair was led into his first ruling under a misapprehension of the facts.

Mr. HAYS. This bill has already been considered in the Committee on Naval Affairs, and I have been instructed to report it favorably.

The SPEAKER *pro tempore*. The Chair rules that the motion to take the bill from the Speaker's table is not in order.

Mr. HAYS. Then I move that the bill be referred to the Committee of the Whole on the Private Calendar.

Mr. BECK. I object to any motion which will take the bill from the Speaker's table.

The SPEAKER *pro tempore*. The motion of the gentleman from Alabama is not in order. The bill remains on the Speaker's table.

MRS. SARAH B. FOREST.

Mr. PLATT, of Virginia, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, to Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, the sum of \$820, which shall be in full discharge of all claims of said Sarah B. Forest against the United States for balance due from an allotment of pay made by her late husband, being the amount due from April 1 to December 6, 1861, at the rate of \$100 a month.

Mr. PLATT, of Virginia. There is a report accompanying this bill which I send to the Clerk's desk to be read, if any gentleman desires to hear it. I also send to the desk a letter from the Fourth Auditor, which I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,  
June 8, 1874.

SIR: In answer to your verbal inquiry, I have the honor to inform you that prior to the death of Lieutenant Dulaney A. Forest, late of the United States Navy, he left an allotment of \$100 per month, payable to his wife, Sarah B. Forest, at Norfolk, Virginia, upon which there was checked from his pay the sum of \$1,500, while the sum of \$700 only was paid to his wife, leaving a balance still unpaid of \$800.

Very respectfully, your obedient servant,

STEPHEN J. W. TABOR,  
Auditor.

Hon. J. H. PLATT,  
House of Representatives, Washington, D. C.

Mr. FORT. I would like to hear the report read.

The report was read. It states that some time in June, 1860, Lieutenant Dulaney A. Forest, before sailing to the East Indies on the United States steamer Dakota, on United States service, made an allotment of \$100 per month in favor of his wife, Sarah B. Forest, to be deducted from his pay as lieutenant in the Navy, to be paid to her at the United States Navy agency at Norfolk, Virginia. Under said allotment while Lieutenant Forest was absent on board the United States steamer Dakota, in the service of the United States, there was deducted from his pay the sum of \$1,500 for the benefit of his wife, Sarah B. Forest, in accordance with the terms of the allotment; but owing to the resignation of the Navy agent at Norfolk, Virginia, April 22, 1861, the going out of the State of Virginia, and other causes, only \$700 of this amount has ever been paid to Mrs. Sarah B. Forest, leaving a balance due in her favor and unpaid of \$820. The committee therefore recommend the passage of the bill for her relief in accordance with the foregoing facts for the sum of \$820.

Mr. FORT. Who signs that report?

Mr. PLATT, of Virginia. It is the report of the Committee on Naval Affairs.

Mr. FORT. Is that report signed?

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Illinois that it is very seldom that a report is signed by a committee.

Mr. FORT. I would like to know if it has been printed.

The SPEAKER *pro tempore*. It is not a printed but a written report.

Mr. FORT. I desire to ask the gentleman from Virginia one or two questions. I would like the gentleman who reports this bill to explain to the House why it is that this officer was not paid, and further to explain to the House where he was in service and what his service was.

Mr. PLATT, of Virginia. Is that all?

Mr. FORT. Yes, sir.

Mr. PLATT, of Virginia. All that is pretty fully stated in the report; but as the gentleman would seem not to have given much attention to the reading of it, I will reply to the inquiries he has addressed to me. Lieutenant Forrest while serving in the Navy of the United States on board a United States vessel ordered to sea, as is the custom with naval officers, allotted to his wife, the lady in whose favor this bill is asked to be passed, a certain amount of his pay per month. She received it for I think five or seven months; but after that, owing to the resignation of the naval agent at Norfolk where she was living and who had paid her this allotment monthly, she never received any more. Lieutenant Forrest came home after fifteen months' service and resigned from the service of the United States. He got to his home at Norfolk and there died of consumption. He never served a day anywhere except in the service of the United States Government. The Fourth Auditor of the Treasury certifies that there is on the books of his Department to the credit of this lady the sum which we ask that she shall be paid. I send to the Clerk's desk and ask to have read the certificate from the Navy Department as to the time when this Navy agent at Norfolk resigned and ceased to pay this allotment.

The Clerk read as follows:

The resignation of George Loyall, Navy agent at Norfolk, Virginia, was accepted by the Navy Department on the 22d of April, 1861.

WILLIAM P. MORAN.

NAVY DEPARTMENT, June 8, 1874.

Mr. PLATT, of Virginia. Gentlemen will observe that this was the resignation of the Navy agent, and not of the officer whose widow is now seeking relief.

Mr. FORT. I wish the gentleman would state to the House in what service this officer served; whether in the Union or in the confederate service.

Mr. PLATT, of Virginia. In the Union service. He was on board a United States vessel when this allotment was made and when this money became due.

Mr. FORT. In what service was he?

Mr. PLATT, of Virginia. He never served in any other service than that of the United States, and he died at Norfolk a few months after returning from this cruise.

Mr. FORT. I wish the gentleman to state to the House further why it is that the Auditor certifies that this money is due to the widow and yet she has not drawn it.

Mr. PLATT, of Virginia. Simply because Congress in its wisdom saw fit to enact in 1862 or 1863, while the war was going on, a law which provided that no claim should be paid to any person residing in any State then in rebellion by any accounting officer of the Government, and the only possible hope of relief that this widow has, until that general law is repealed, is to come to the Congress of the United States and ask the passage of a special law for her relief. Had she lived anywhere else except in one of the States then in rebellion, her claim could have been and would have been paid by the Treasury Department. Lieutenant Forrest died, I believe, in 1861 or 1862.

Mr. BURLEIGH. I would ask the gentleman from Virginia if he does not know that this man on his arrival on shore, in this country, resigned his position in the United States service for the purpose of entering into the rebel service?

Mr. PLATT, of Virginia. I have said that he resigned on his return from his cruise. Whatever his purpose might have been, I am unable to say; I did not know him personally. But I do know that if he had intended to do any such thing, the hand of Providence intervened and prevented it, because he died before he could execute any such purpose. It is not for me to say what he might have intended.

Mr. FORT. I raise the point of order on this bill that it must be first considered in Committee of the Whole.

The SPEAKER *pro tempore*. If such a point was ever good on this bill it is now quite too late. The bill having been discussed in the House the Chair overrules the point of order.

Mr. FORT. The report of this committee has never been printed; so far as I understand there is no report before the House. I move that the bill be referred to the Committee of the Whole and placed on the Private Calendar.

Mr. PLATT, of Virginia. I do not yield for any such motion. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD CAVENDY.

Mr. PLATT, of Virginia. I am instructed by the Committee on Naval Affairs to report favorably upon a bill (H. R. No. 2774) for the relief of Edward Cavendy.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Navy and the proper accounting officers of the Treasury Department to compute the time of service of Edward Cavendy as a lieutenant in the volunteer service of the Navy of the United States in settling and computing the amount of his pay as an officer of the regular naval service of the United States.

Mr. FORT and Mr. HOLMAN raised the point of order that the bill must receive its first consideration in Committee of the Whole.

Mr. PLATT, of Virginia. Allow me to make a brief explanation of this bill.

Mr. HOLMAN. I will reserve my point of order until the report is read, if there is one, or until some explanation is made.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] reserves his point of order until the bill is explained.

Mr. PLATT, of Virginia. I desire to state briefly—

Mr. FORT. I wish it to be distinctly understood this time that the point of order is entertained by the Chair as being made in time.

The SPEAKER *pro tempore*. Had the gentleman from Illinois [Mr. FORT] been attending to what the Chair said, he would have heard him say that the point of order was reserved by the gentleman from Indiana [Mr. HOLMAN] until an explanation of the bill was made.



Mr. PLATT, of Virginia. This bill is in behalf of an old and meritorious officer of the United States Navy. At the breaking out of the rebellion he was in the merchant service of the United States, commanding an ocean steamer. At the commencement of the war he resigned that place and tendered his services to the Government of the United States. He served through the war gallantly and meritoriously as a lieutenant in the United States Navy. At the close of the war, under a law passed by Congress, he in common with other volunteer officers of the Navy was mustered out of service. He was then appointed a master in the regular naval service of the United States. In computing his pay the proper accounting officers of the Treasury Department gave him credit for the length of time he had served in the Navy during his term of service as a volunteer officer, and he drew pay for four or five years under that construction. Afterward a construction was given to the effect that he was not entitled to have the time computed and the additional pay allowed for length of service as a volunteer officer, and he was called upon to refund some three or four hundred dollars. In the mean time he had been placed on the retired list with the pay of a master of the Navy, having reached the age when by the law his retirement was required. This bill provides that the length of time which he served as a volunteer officer of the Navy shall be allowed by the officers of the Treasury Department determining the amount of pay to which he is entitled as a master in the Navy.

Mr. SCOFIELD. I wish to say a word to those gentlemen who are thinking of making a point of order upon this bill, if they still think of doing so. This is a little bill. The old gentleman came before the Committee on Naval Affairs; there was service in every lineament of the face, all over his body. Honesty of character was apparent in every feature. He is an old Scotchman. He obtained the good will of the whole committee. He had all the papers to show how this stoppage of his pay had occurred, until there was some three or four hundred dollars which was to be deducted from his small annual pay, until the full amount had been refunded. The committee unanimously agreed that it was the most deserving small case they had ever seen. And I am very sure that if the gentleman from Illinois [Mr. FORT] and the gentleman from Indiana [Mr. HOLMAN] had seen this old man as we saw him, they would never raise the point of order here, but allow him to receive his pay.

Mr. HOLMAN. I think it is the most unfortunate feature in attempting to pass this kind of bills, that those who are able to come here and approach members of Congress and committees of this House are very apt to get their claims through. No practice could be more unjust. The Government should administer not only its justice but its gratuities with even hand and impartiality.

Mr. CLEMENTS. I rise to a question of order. I desire to know whether the point of order has been made in this case or whether, like Mohammed's coffin, it is hanging between heaven and earth?

The SPEAKER *pro tempore*. In answer to the inquiry of the gentleman from Illinois [Mr. CLEMENTS] the Chair will state that the gentleman from Indiana, [Mr. HOLMAN,] having discussed the proposition before the House, the point of order raised by him is waived. The point of order indicated by the gentleman from Illinois, [Mr. FORT,] if he insists upon it, is yet reserved, he not having discussed the bill.

Mr. HOLMAN. Of course I am fully aware that I waived the point of order, and I am doing so intentionally. My friend from Illinois has put himself to unnecessary trouble so far as I am concerned. I do not propose to insist upon my point of order.

But I desire to say that this case presents an illustration of an evil for which there seems to be no remedy. There are piled up in your committee-rooms thousands and thousands of claims just as meritorious as this; but the papers of which will never be looked into, simply because the claimants are not here in person to press their cases upon the attention of members. Those claimants who can do this enjoy a decided advantage over all others. The whole system by which we attempt to adjust these private claims against the Government is wrong. One of two things should be done: either we should let the decisions of our accounting officers in these cases be final, which is undoubtedly the safer course, or we should adopt some general system by which all classes of claims should be adjusted.

I have no doubt that this is a meritorious claim. I have no doubt that the period for which this officer had served ought to have been taken into account in determining his pay. But the same difficulty is found in cases arising in the Army as in the Navy. There are before your committees thousands of bills involving exactly the same principle; and wherever the claimants can by personal presentation of their cases secure for them the advocacy of gentlemen like my friend from Virginia [Mr. PLATT] or the gentleman from Pennsylvania [Mr. SCOFIELD] their cases secure favorable consideration, while a large mass of cases equally meritorious remain in the committees with the papers never even opened.

I do not press the point of order, but waive it.

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. FORT] desire a point of order?

Mr. FORT. So far as I am concerned I withdraw the point of order, after having heard the statement of the chairman of the committee.

The SPEAKER *pro tempore*. The Chair now rules that the bill is properly before the House.

Mr. FORT. I wish to add that I agree with my friend from Indiana [Mr. HOLMAN] that this ought not to be made an exceptional case. There ought to be a report put on record here and printed. Every gentleman desiring to get a bill through the House ought to go through that formality. I see no reason why the gentleman from Virginia should come in here and rush his bills through the House without any report. That is what I object to. I withdraw my point of order in reference to this particular case.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE H. COOPER.

Mr. PLATT, of Virginia, from the same committee, reported a bill (H. R. No. 3743) authorizing the President to appoint George H. Cooper, now a captain on the active list of the Navy, to be a commodore; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

#### OFFICERS AND CREW OF THE WYOMING, ETC.

Mr. MYERS. I am instructed by the Committee on Naval Affairs to move that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 782) for the relief of the officers and crew of the United States ship Wyoming and the Ta Kiang.

Mr. WILLARD, of Vermont. I suppose that motion requires a two-thirds vote. It is a bill that ought not to pass at any rate.

The SPEAKER *pro tempore*. As the Chair understands the motion of the gentleman from Pennsylvania, [Mr. MYERS,] it is that the Committee of the Whole be discharged from the further consideration of this bill, and that it be brought before the House for consideration. The adoption of this motion requires a suspension of the rules by a two-thirds vote.

Mr. HOLMAN. This session being set apart for the consideration of reports from the Committee on Naval Affairs, I submit that the subject-matter contemplated was reports to be made during this evening's session by that committee.

The SPEAKER *pro tempore*. The Chair rules that as this bill has already been considered by the Committee on Naval Affairs of the House, and is now upon the Private Calendar, it can properly be taken up by a two-thirds vote.

Mr. HOLMAN. I hope the bill will be read before the question is put.

The bill was read.

The first section provides that the Secretary of State be, and he is thereby, authorized and directed to sell so many of the registered bonds of the United States, now under his control, belonging to the Japanese indemnity fund, as shall realize \$125,000, and shall pay the proceeds of the same to the Secretary of the Navy, who shall cause the whole amount thereof to be distributed among the officers and crew of the United States ship Wyoming, and officers and crew who manned the Ta Kiang on the 5th, 6th, 7th, and 8th days of September, 1864, the same to be distributed as sea pay to the officers and crew attached to the Wyoming, according to the pay-roll of said ship on the 16th day of July, 1863; and to the officers and crew detached from the United States ship Jamestown, and who manned the Ta Kiang, according to the pay-roll of said ship on the 5th, 6th, 7th, and 8th days of September, 1864; provided that the provisions of the act shall be held and taken to be in full satisfaction for all bounty, ransom, or prize-money, or claim therefor, on the part of the officers and crews aforesaid under any and all existing laws of the United States or regulations of the Navy Department, for the destruction of piratical vessels at Simoniseki, on the 6th day of July, 1863, and bombarding the forts erected at the Straits of Simoniseki, in September, 1864. And if any of the officers or crews aforesaid shall have received any bounty, ransom, or prize-money for the service aforesaid, the same shall be deducted from the amount to be paid such officer or seaman under the provisions of this act; and provided further, that no money shall be paid to any assignee of the mariner, but only to the mariner or his duly authorized attorney in fact, or in case of his decease, to his legal representatives, excluding any assignee.

The second section provides that the remainder of the Japanese indemnity fund is thereby covered into the Treasury of the United States, and the Secretary of the Treasury is thereby directed to cancel the bonds belonging to the said fund.

Mr. WILLARD, of Vermont. This is a bill which ought to be discussed. I hope it will not go through in this way without discussion.

The SPEAKER *pro tempore*. Debate is not in order.

The question recurred on the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 55, noes 50; no quorum voting.

Mr. STORM demanded tellers.

Tellers were ordered.

Mr. MYERS. I now withdraw the motion to suspend the rules and pass the bill, and move to go in Committee of the Whole and take the bill up for consideration. I ask the privilege to make a few remarks.

I am hoarse to-night and hope I will have the indulgence of the House.

Mr. WILLARD, of Vermont. I object, unless the same privilege be granted to the other side.

Mr. MYERS. I have no objection to that. I desire simply to say that this bill puts into the Treasury of the United States—

Mr. WILLARD, of Vermont. I object to debate.

Mr. MYERS. I ask unanimous consent.

The SPEAKER *pro tempore*. Is there objection?

Mr. E. R. HOAR. I think objection ought to be made, and if no one else will do it I object.

Mr. HAWLEY, of Illinois. The gentleman proposes to move to go into Committee of the Whole, and he will have every opportunity to discuss the bill. He will have the floor, and I hope he will not insist upon discussing the bill now.

Mr. MYERS. Then I move to suspend the rules and go into Committee of the Whole for the purpose of considering this bill.

The House divided; and there were—ayes 70, noes 52.

Mr. E. R. HOAR demanded tellers.

Tellers were ordered; and Mr. MYERS, and Mr. WILLARD of Vermont were appointed.

The House again divided; and the tellers reported—ayes 83, noes 64.

Mr. WILLARD, of Vermont, demanded the yeas and nays.

Mr. E. R. HOAR moved that the House do now adjourn.

The House divided; and there were—ayes 88, noes 55.

Mr. MYERS demanded the yeas and nays.

The House divided; and there were—ayes 25, noes 108.

So (one-fifth of those present not having voted in the affirmative) the yeas and nays were not ordered.

So the motion was agreed to; and then (at nine o'clock and thirty-five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: The petition of citizens of Jordan, Wisconsin, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BLAINE: The memorial of John M. Bradley, of Arkansas, in relation to the seat of Congressman at large from the State of Arkansas, to the Committee on Elections.

By Mr. HARRIS, of Virginia: The petition of W. P. Burwell, to be compensated for tobacco improperly taxed, to the Committee on Claims.

By Mr. HURLBUT: The petition of citizens of Indiana, for the construction of a double-track railway from the Missouri River to tide-water, to the Committee on Railways and Canals.

By Mr. MCCRARY: The petition of citizens of Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PARKER, of Missouri: The petition of citizens of Mount Pleasant, Gentry County, Missouri, of similar import, to the same committee.

By Mr. SAYLER, of Indiana: Sixty-three petitions from citizens of seventeen States of the United States, containing 1,234 signatures, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. WHEELER: The memorial of the American Public Health Association of New York, praying for the creation by Congress of a competent commission to investigate those great national sanitary questions which do not fall within the scope of duties of local health organizations, to the Committee on Commerce.

By Mr. WHITEHEAD: The petition of Folkes & Winston, William T. Yancey, J. H. C. Winston, and Robert C. Burkholder, of Lynchburgh, Virginia, to be compensated for destruction of property by United States troops, to the Committee on War Claims.

By Mr. —: The petition of G. H. Noonan and 74 others, of Texas, for the establishment of an additional Federal judicial district in the State of Texas, to the Committee on the Judiciary.

#### IN SENATE

THURSDAY, June 18, 1874

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

#### QUARTERMASTER'S CORPS.

Mr. SPENCER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

First. That the House of Representatives concur in Senate amendment number one.

Second. That the Senate recede from its amendment number two.

GEORGE E. SPENCER,

J. R. WEST,

M. W. RANSOM,

Managers on the part of the Senate.

CHARLES ALBRIGHT,

J. W. NESMITH,

Managers on the part of the House.

Mr. WADLEIGH. I regret that this matter went to a committee of conference in the absence of the chairman of the Committee on Military Affairs of the Senate, because there was an agreement between the chairman of the Military Committee acting in behalf of those who desired the passage of this bill and myself as to these amendments, and it was stated by the chairman of the Military Committee to this body that there had been an agreement by which the matter was to be settled by these amendments. I hope that the chairman of the committee will return before the adjournment, in which case the matter can probably be made right. I move that the report be laid on the table.

Mr. SPENCER. I hope that will not be done.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the report of the committee of conference be laid on the table.

The Chair put the question, and declared that the yeas appeared to prevail.

Mr. WADLEIGH. I ask for the yeas and nays. I will state that I will call up the report again.

The PRESIDENT *pro tempore*. The question is not debatable. Those who sustain the call for the yeas and nays will rise.

Mr. WADLEIGH. I withdraw the motion to lay on the table, and move that the further consideration of the report be postponed.

Mr. SPRAGUE. Does not a single objection carry it over, it being a report made this morning?

The PRESIDENT *pro tempore*. It is a report from a conference committee, not from a standing committee.

Mr. WADLEIGH. I move to postpone the report until Saturday.

Mr. SPENCER. I hope it will not be postponed. I cannot conceive what there is in this bill to object to. It merely places a man correctly on the records of the Army as he ought to be. The law a few years ago was violated, and this bill puts him back where he belongs on the roll of the Army.

Mr. DAVIS. As I understand, this is a conference committee's report. It is usual for the Senate to take up such reports when presented, and I see no reason why this one should be postponed.

The PRESIDENT *pro tempore*. The question is on the motion to postpone.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the report.

Mr. WADLEIGH. Mr. President, I desire to call the attention of the Senate for a short time to the questions involved in this bill. This bill provides that William Myers shall stand upon the Army Register for promotion No. 5 instead of No. 12 on the list of majors in the Quartermaster-General's Department, as he now stands. That is, he is advanced over James Belger, James M. Moore, M. J. Ludington, R. N. Batchelder, Joseph A. Potter, James J. Dana, and Charles G. Sawtelle, whose commissions bear date before his. He says that when he was placed in his present position that was a degradation of him. Now, if this bill passes it will be a degradation of those whom I have named. I desire to state to the Senate, as I proposed to do before the agreement between the chairman of the Military Committee and myself, the facts and the law bearing upon this matter.

Mr. President, in 1866, upon the re-establishment of the Army, an act was passed which made an increase in the Quartermaster's Department, as follows: Those holding the rank of colonel in the Quartermaster-General's Department were increased from three to six, making three vacancies to be filled; the lieutenant-colonels were increased from four to ten, making six vacancies to be filled; the majors were increased from eight to fifteen, making seven vacancies to be filled; and it was provided in the same act that there should be forty-four officers in that department holding the rank of captain, and that the vacancies created by that act, whether by promotion or otherwise, should be filled from the volunteer forces according to merit. That left the vacancies created by the act in those holding the rank of colonel, lieutenant-colonel, and major to be filled according to the Army Regulations. The Army Regulation in force at that time in regard to promotions was as follows:

All vacancies in established regiments and corps to the rank of colonel shall be filled by promotion according to seniority, except in case of disability or other incompetency.

The construction put upon that Army regulation by Secretary Stanton, by General Grant who was then the General of the Armies, and by the President of the United States, was that the vacancies created by the act in the rank of colonel, lieutenant-colonel, and major could be filled by the President by selection either from the regular Army or from the volunteers, and that those vacancies were not to be filled by promotion.

The view of the law which they took and the view of the law which I take is this: that by "established regiments and corps" is meant regiments and corps which have had their full quota of officers appointed, and that so long as a regiment or corps has not had its full quota of officers appointed, all the officers appointed to it



which the law demands, so long it is unestablished and unorganized. For illustration, suppose that a new regiment was provided for by law, and suppose that all the offices in that regiment up to company A had been filled by appointment; the captain and the other officers in company A in that regiment of ten companies are yet to be appointed; those appointments are not to be made by promotion, because until the officers are all appointed the regiment is not established, it is not organized; it is only partially established and partially organized. But when those offices have once been filled, then the regiment has been established, and all vacancies created thereafter must be filled by promotion.

When the act of 1866 provided for the re-establishment of the Quartermaster's Corps and went into effect, the corps was not established and not organized until the number of officers which it had by law had been appointed. It was only partially established and partially organized until that time. It was an organized corps, it was an established corps, until this act went into effect providing that it should consist of a certain number of officers; but when the act went into effect and there were vacancies created by the act, then the corps as an established corps was a different corps. It was only partially organized and partially established; and until those offices had been filled which were created by the act it was not established and not organized in the sense of the Army regulation which I have read. That was the view taken of the law by Secretary Stanton; it was the view of the law taken by General Grant, then General of the Armies; it was the view of the law taken by the President of the United States. Taking that view of the law, they appointed to fill some of the vacancies in the office of colonel, lieutenant-colonel, and major in the Quartermaster's Corps men from the volunteer forces of the United States who had distinguished themselves by meritorious services. Who were the men thus appointed? The object of this measure is to provide by this bill and others to follow it (because the amendment which is now rejected was simply providing that after this bill passed matters should remain as they were) that those who held office in the Quartermaster's Department in the regular Army before the war shall outrank all those who have been appointed from the volunteer service. I have in my hand a book—

Mr. WEST. I do not think that statement of the Senator ought to go unchallenged. This bill only refers to one officer.

Mr. WADLEIGH. But the amendment agreed upon by the chairman of the Military Committee and myself provided that this should go no further. That was agreed to solemnly, and it was agreed that this should be an end of the matter. But this conference committee have struck out that amendment which confined it to this officer, and left the matter open so that other officers may come in and ask the same thing.

As I was saying, I hold in my hand a book entitled "The School and the Army," by Brevet Major-General W. B. Hazen, United States Army. He goes on to speak of the staff officers of the regular Army at the time the war broke out, and of the necessity of keeping up a staff organization in the regular Army. He says:

It cannot be said that it is necessary to keep up this organization for use in war, for it then at once fails, and each Army and corps commander is compelled to organize his own departments, as these officers have been found to be unfitted by their routine lives for service in the field. Anyone who knew the working staff of Grant, Sherman, and Sheridan, remembers that they were made up of young, active civilians. The busy commercial life and experience of the nation is its strongest arm, and is what it must inevitably depend upon in time of war to supply the wants of its Armies.

Mr. President, what this bill proposes is simply that the men who came in, as that book says, and did the work of the war, the men in whose favor the law was construed in 1866, are now to be made by the action of Congress to stand back and give place to those men who were found upon the breaking out of the war unfit to perform the duties of their positions. They are to be degraded and set aside for the men who were found to be totally unfit to perform those duties, according to this military writer, and whose duties were performed by these men from the volunteer service who received appointments in 1866, which appointments it is now claimed were illegal and invalid.

Mr. FRELINGHUYSEN. I would ask the Senator from New Hampshire whether General Myers did not perform a good deal of service and very efficient service during the war?

Mr. WADLEIGH. As I said before, I do not undertake to say that Captain Myers did not perform efficient service.

Mr. FRELINGHUYSEN. He was a general of volunteers, I believe.

Mr. WADLEIGH. I do not undertake to say and did not say that; but he performed no more efficient service than those men performed who it is now claimed shall be displaced for him. I say further that it was agreed between the chairman of the Military Committee, acting in behalf of Mr. Myers, and myself, that this bill should pass with a section that the Quartermaster-General's Corps, after this promotion, should remain as it is. That amendment has been struck out by the conference committee, and it is upon that that I am speaking.

Mr. WEST. The Senator says that under that statute volunteer officers were promoted. I ask him if he does not know that under that statute four regular officers were promoted and four volunteers, so that justice was done to each branch of the service? Does he know that fact or not?

Mr. WADLEIGH. Certainly I know it, and that strengthens my argument. Now, Mr. President, it is proposed not only to do that as

against these volunteers, but it is proposed by this bill to make a discrimination against those men who entered the regular Army from civil life in favor of the men who came into the regular Army before the war from the Military Academy. I find as one of the men who are to be degraded, as this Mr. Myers calls it, by this bill is James Belger who went into the regular Army in 1838 and has served ever since.

Mr. WEST. No; the Senator is mistaken. He was suspended three years.

Mr. WADLEIGH. I find he was appointed from the Army and not from the Military Academy. The only ground on which it is claimed that this bill should pass is that under the Army regulation which I have read it was illegal to appoint Colonel Batchelder and the other officers to the places which they now hold. What I have to say in regard to that matter is simply this: that the Army Regulations of 1857 and 1863 were simply a revision of the Army Regulations which had been in use before that time from 1813 down to 1857. If any member of the Senate will turn to the Army Regulations of 1857 and 1863, he will find that they are entitled the "Revised Army Regulations," and to the lawyers in this body I need not say that the rule for the construction of a statute revised is, that it shall not be presumed that any change is made or intended unless the statute as revised clearly shows that such was the intention. This revised army regulation does not show that. It provides, as I said, that promotions in established regiments and corps are to be made by seniority; but the view I take, and the view taken by Secretary Stanton and by everybody else in 1866, was that the new Quartermaster's Corps provided for by the law of that year was not established when the act went into effect until its offices had been filled.

Again, another familiar rule of law for the construction of statutes is that the contemporaneous construction, the construction put upon them at the time they were passed and the construction which has long been given to them, shall be held to be the proper construction. Now what is the case in regard to this law of 1866? Very soon after the passage of the law, the President of the United States sent in by the advice of the Secretary of War, Hon. E. M. Stanton, these appointments. At that time this question of law was fully considered by them. It was under discussion. These gentlemen were there and presented their claim to Secretary Stanton, and all those who had part in those appointments and in the confirmation of them decided that it was legal to make the appointments in the way they were made, and gave a construction of the law of 1866 which has prevailed till now; and what I say is that this statute, having been so construed by the President of the United States and by the Secretary of War in 1866 in making these appointments and by the confirmation of the appointments by the very Senate that helped pass the act, that should now be held to be the true construction and we should not come in after this lapse of time, upon the petition of Major Myers or anybody else, to decide that the construction put upon the act at that time was wrong and that whatever was done at that time in the way it was done was illegal.

Mr. FRELINGHUYSEN. The Senator from New Hampshire is familiar with this subject. Let me ask him, does the Attorney-General of the United States hold to that construction of the law?

Mr. WADLEIGH. I was about coming to that.

Mr. FRELINGHUYSEN. Did he not dissent from that conclusion?

Mr. WADLEIGH. I will say what I am going to say about that in one moment. I have stated the way this matter stood in 1866. The gentlemen, to whom that decision of the President, of the Secretary of War, and of the Senate at that time was distasteful, in 1872 proceeded to procure a reversal of that action; and—I state it upon authority—there was procured from a subordinate in the Attorney-General's office an opinion as to the illegality of the proceedings under the law of 1866. I am informed further that that opinion was not made up by the Attorney-General; and I am further informed, although I do not know how that is, that if this matter was brought to the Attorney-General and he himself gave an opinion, the opinion of his subordinate in 1872, which hesigned without due consideration, would be reversed.

That was not all that was done, Mr. President. After this opinion was procured these gentlemen, Mr. Myers and the rest, went before a committee of the Senate; they represented that what they sought to obtain was perfectly satisfactory to Colonel Batchelder and the officers whom they sought to outrank and degrade, the men who had won their places by their services in the war. Upon that representation the committee of the Senate reported in favor of the bill and it went to the House committee. A full hearing was had before the House committee, notice being given to those who were to be affected by the action of Congress, and that committee unanimously reported against a bill similar to this or any bill of this kind.

Then they claimed that if Congress would only pass a bill giving them the rank of major and putting them precisely where they are now that should be a final settlement of this whole matter. I made this statement the other day in the Senate, when the chairman of the Military Committee was present, and no contradiction was made of it. I am authorized to state that these gentlemen agreed that that should be all they would ask, that that should be a compromise which should stand; and if any member of the Senate will turn to what was said at the time the bill which gave them the rank they now hold was passed, he will find confirmation of what I say in this respect.

Understanding that that was to be a compromise and was to be an end of this matter, those gentlemen whom it is now sought to degrade stepped aside and allowed that bill to pass. Two years have passed since then. Now comes up this Mr. Myers again, and again asks that the action of the President, of the Secretary of War, and of the Senate in 1866 shall be reversed as illegal. That was objected to by the parties who are to be affected and degraded by it. They are not here to object personally; they were not here as was Major Myers in Washington spending his winter and importuning Senators and members of the House to go for his bill; they were not here upon leave of absence working in the lobby of Congress to obtain the passage of laws favorable to them. A gentleman who is affected by this bill, who came from my State, is in Oregon attending to his arduous duties; others are far away; but Mr. Myers is here, where he can see members of Congress, where he can importune them, where he can bring to bear upon them the social influences which sometimes affect legislation in this body. Accordingly he has procured this bill to be brought in. Objection was made to it, as I have said; and objection was made to it not only that to promote him over the heads of those men whose appointments predated him would degrade them, as he says it was degrading to him to put them over him in 1866, but that this bill was only the precursor of many others of a similar character; and it was proposed by the chairman of the Military Committee himself that the second amendment which this conference committee strikes out should be put upon this bill, so that after the passage of this bill matters in the Quartermaster's Department should be settled. I agreed to that compromise; and members of the Senate will remember that when the chairman of the Military Committee presented the bill to the Senate he stated that there had been an agreement by which all matters in conflict had been adjusted. With that section put on by that agreement this bill passed the Senate, and now the committee of conference have struck out the section which was inserted by the chairman of the Committee on Military Affairs and by the Committee on Military Affairs of the Senate, which prevents further action of this kind in regard to other cases, so that the whole status of the Quartermaster General's Department may be upset by future legislation, so that other men may come in here and claim that they should be put over the heads of the officers who were appointed from the volunteer service. I hope that this Senate is not prepared to take action of that kind and that the bill will not pass in this shape.

Mr. FRELINGHUYSEN. Mr. President, I understand this case to be simply this: General Myers, when the Quartermaster's Corps was increased, was a captain and entitled to be a major. President Johnson appointed his juniors over him. The Attorney-General has decided, and we have his written opinion, that that was an illegal proceeding, that the appointment should have been made according to seniority. Now, General Myers does not alter the grade of any one whom he passes over. If they are majors they remain majors, and if colonels they remain colonels. The bill only alters his file, as they call it, in the majority. This was an illegal proceeding, as the Attorney-General tells us, performed by President Johnson. General Myers was a most efficient man during the war; he had the charge of the quartermaster's department in the valley of the Mississippi, and no one rendered more efficient service. I hope the report will be concurred in.

Mr. SPENCER. I have nothing to say in addition to what the Senator from New Jersey has said. He has stated the case fully. I ask for a vote.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. WADLEIGH. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 45, nays 3; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boggs, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Cooper, Davis, Dennis, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morrill of Vermont, Norwood, Patterson, Ransom, Sargent, Saulsbury, Schurz, Scott, Spencer, Stevenson, Stewart, Stockton, Thurman, Tipton, West, and Wright—46.

NAYS—Messrs. Cragin, Fenton, and Wadleigh—3.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Cameron, Conkling, Conover, Dorsey, Edmunds, Ferry of Connecticut, Ferry of Michigan, Jones, Lewis, Logan, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Ramsey, Robertson, Sherman, Sprague, Washburn, and Windom—24.

So the report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2774) for the relief of Edward Cavendy;

A bill (H. R. No. 2834) granting the right of way through the public lands to the Arkansas Valley Railway Company;

A bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes; and

A bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, (formerly Charlestown,) in connection with the United States navy-yard.

The message also announced that the House had passed the bill (S. No. 176) to encourage the establishment of public marine schools, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

The message also announced that the House had passed the bill (S. No. 716) for the better government of the Navy of the United States.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

A bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phoebe Sofield, a pensioner;

A bill (S. No. 536) granting a pension to Livanna Ingraham;

A bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes;

A bill (S. No. 609) granting a pension to Margaret A. Hoffner;

A bill (S. No. 613) granting a pension to Jefferson A. French;

A bill (S. No. 690) granting a pension to Thomas Smith;

A bill (S. No. 767) granting a pension to Andrew J. Lasley;

A bill (S. No. 768) granting a pension to John S. Long;

A bill (S. No. 814) granting a pension to Ebenezer W. Brady;

A bill (S. No. 877) granting a pension to John W. Truitt;

A bill (H. R. No. 792) to amend and supplement an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867, and for other purposes;

A bill (H. R. No. 886) to provide for the election of Congressman at large for the State of Alabama;

A bill (H. R. No. 1227) granting a pension to Eliza A. Maxham;

A bill (H. R. No. 1948) granting a pension to Mary J. Blood;

A bill (H. R. No. 2095) granting a pension to Charles McCarty;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor; and

A bill (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States.

#### PETITIONS AND MEMORIALS.

Mr. SCOTT. As an item of morning business which has by the Chair this morning been ruled to be privileged, I now call up the report of the conference committee on the moiety bill for the consideration of the Senate.

The PRESIDENT *pro tempore*. Is there objection?

Mr. CHANDLER. There is some morning business to be done.

Mr. SCOTT. This is morning business. The report was made and at the request of Senators laid over to be printed. The printed report is on our desks, and I ask that it be considered.

Mr. CHANDLER. I desire to present a memorial.

The PRESIDENT *pro tempore*. The Chair will receive the memorial.

Mr. CHANDLER presented a memorial of citizens of the eighth congressional district of Michigan, remonstrating against the importation into the United States from Canada free of duty of such articles as can be manufactured in the United States; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented the petition of public-school trustees of Washington, District of Columbia, praying that the statute of Jefferson now on the lawn east of the Executive Mansion be transferred to the reservation in front of the Jefferson public-school building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of members of the Legislature of Pennsylvania, in favor of an appropriation in aid of the American Printing-house for the Blind and the American University for the Blind, located in the District of Columbia; which was referred to the Committee on the District of Columbia.

#### MOIETIES UNDER CUSTOMS LAWS.

The PRESIDENT *pro tempore*. The report called up by the Senator from Pennsylvania is before the Senate.

Mr. RAMSEY. I desire to make a report.

The PRESIDENT *pro tempore*. There is a report now before the Senate which will be read.

The Chief Clerk read the following report submitted by Mr. SCOTT on the 16th instant:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moiety laws, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 11, 14, 18, 19, 20, 21, 22, 24, 25, 27, 29, and 34, and agree to the same.

That the House recede from its disagreement to the eighth amendment, and agree to the same with an amendment as follows: Strike out all after "court," in line



21, to and including "United States," in line 26, and insert in lieu thereof as follows:

And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant or his agent may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States.

And the Senate agree to the same.

That the House recede from its amendment to the thirteenth amendment of the Senate, and agree to said Senate amendment.

That the Senate recede from its twenty-sixth amendment (striking out certain words) with an amendment as follows: Page 7, line 13, after "court" insert "or the judge thereof;" and the House to agree to the same.

That the House recede from its thirty-first amendment, striking out section 14, and agree to the same with an amendment as follows: Strike out "been" in line 1, page 9, and insert "have been;" and the House agree to the same.

That the House recede from its disagreement to the thirty-second amendment, and agree to the same with an amendment as follows: Strike out "16" and insert "17;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: Strike out "17" and insert "18;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the following:

SEC. 19. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and on conviction thereof shall suffer imprisonment not exceeding ten years and be fined not exceeding \$10,000: *Provided, however,* That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures, or to compromise the same in accordance with existing law.

And the Senate agree to the same.

That the House recede from its thirty-sixth amendment, with an amendment striking out "18" (the number of the section) and inserting "20;" and the House agree to the same.

That the House recede from its disagreement to the thirty-seventh amendment, and agree to the same with an amendment as follows: Strike out "18" (the number of the section) and insert "21;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-eighth amendment, and agree to the same with an amendment as follows: Strike out "three" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-ninth amendment, and agree to the same with an amendment striking out "19" (the number of the section) and inserting "22;" and the Senate agree to the same.

That the House recede from its amendment to the forty-fourth amendment, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be inserted by the Senate the following:

SEC. 23. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by the collectors, naval officers, and surveyors connected with the customs service in the several collection districts of the United States hereinafter named, there shall be paid, from and after the 1st day of July, 1874, an annual salary as follows:

To the collector of the district of New York, \$12,000.

To the collectors of the districts of Boston and Charlestown, Massachusetts, and Philadelphia, Pennsylvania, each \$8,000.

To the collectors of the districts of San Francisco, California, Baltimore, Maryland, and New Orleans, Louisiana, each \$7,000.

To the collector of the district of Portland and Falmouth, Maine, \$6,000.

To the naval officer for the district of New York, \$8,000.

To the naval officers of the districts of Boston and Charlestown, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each \$5,000.

To the surveyor of the port of New York, \$8,000.

To the surveyors of the ports of Boston, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each \$5,000.

And the Senate agree to the same.

That the House recede from its disagreement to the forty-fifth amendment, and agree to the same with an amendment as follows: Strike out "21" (the number of the section) and insert "24;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the forty-sixth amendment, and agree to the same with amendments as follows: Strike out "ten," in said amendment, and insert "thirty;" also, strike out "22" (the number of the section) and insert "25;" and the House agree to the same.

That the House recede from its disagreement to the forty-seventh amendment, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

SEC. 26. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights of the United States; and in all cases in which prosecutions have been actually commenced for forfeitures incurred, the Secretary of the Treasury shall have power to make compensation as provided in the fourth section of this act to the persons who would under former laws have been entitled to share in the distribution of such forfeitures.

And the Senate agree to the same.

JOHN SCOTT,  
T. F. BAYARD.  
*Managers on the part of the Senate.*

ELLIS H. ROBERTS,  
L. A. SHELTON,  
FERNANDO WOOD.  
*Managers on the part of the House.*

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to this report?

Mr. SARGENT. I should like to ask a question about the report. It is almost impossible to tell from the reading of the report at the desk what was done with the details of this bill. I should like to know what was done with reference to the amendment providing for imprisonment as the alternative punishment for a violation of the revenue laws, which was inserted in the bill by the Senate after consideration.

Mr. SCOTT. The report having been printed and upon the tables of the members for the last two days, I did not propose to say anything in explanation of it in detail, unless as called for. The provision to which the Senator refers is retained in the bill, and the im-

prisonment, which was inserted, if I recollect aright, upon his motion, still remains just as it was.

Mr. SARGENT. I should like to make another inquiry of the Senator. The Senate fixed the compensation of the collectors of New York, Boston, and San Francisco at \$8,000, considering that an equitable adjustment on account of the lost moieties, but did not attempt to fix the salaries of these officers in Philadelphia and other places. Now I find that San Francisco, which was so arranged by both Houses, is struck out and put in at a lower rate and Philadelphia is put in at a rate above San Francisco and even with New York. There seems to have been a fatherly care over the port of Philadelphia, which I think the Senator is entitled to full credit for; but I should like to have some intelligible reason why San Francisco was degraded in order that Philadelphia might be considered and raised.

Mr. SCOTT. Adopting the suggestion of the Senator from California, I have no blushes over the paternity of Philadelphia or fatherly care over it; and I give him credit for exercising the same over San Francisco.

Mr. SARGENT. I did not have the advantage of being on the committee of conference.

Mr. SCOTT. I have the floor now, and I hope the Senator will let me answer his question.

Mr. SARGENT. Will the Senator allow me to make one remark, and then I shall not interrupt him again?

Mr. SCOTT. I want to answer the Senator's inquiry.

Mr. SARGENT. Allow me to make one remark. Yesterday when the Senator was speaking and I asked him one or two questions I thought he was impatient, and so stated. Immediately afterward, when I had the floor, he interrupted me several times, but I listened to him with great patience.

Mr. SCOTT. The Senator is either very reckless in the use of language which grates upon the feelings of other Senators, or he has intentions which are calculated to arouse feeling in the Senate. Yesterday when I was charged with an insidious design I did betray that kind of feeling which is in my nature upon being charged with anything that is underhanded or covert. If the Senator sees proper now to refer to what occurred upon an entirely different bill, I simply say to him that I extend to him as to every member of the Senate the utmost courtesy in interruption. I am always glad when it is done in such a spirit as shows that it springs from a desire to be courteous and fair or to elicit information; but I cannot help it, when questions are put to me in such a manner as to convey imputations, if I answer them as I think they deserve.

The Senator put an inquiry to me, and when I was in the midst of answering, he interrupted me for the purpose of putting another or for interjecting an argument. Now I will come to his inquiry, and I trust that hereafter there will be no occasion for this manifestation of feeling which somehow or other seems to be an inseparable incident to every interruption the Senator from California seeks to make.

Mr. SARGENT. Thank you.

Mr. SCOTT. It is not my fault, Mr. President. I disavow any intention of being discourteous or unkind or intemperate to any member of the body, and I do not think there is anything in my manner that is calculated to warrant such an imputation.

The Senator asks me why it is that the salary of the collector at San Francisco is placed at \$7,000. This is the reason: when the bill was in the Senate certain amendments were made, fixing the salaries of these officers at New York, Boston, and perhaps San Francisco; I am not certain; three or four ports at all events. When the bill went back to the House, upon a motion made there, Philadelphia was inserted at \$8,000.

When the question came into the conference committee I myself raised the question whether we had jurisdiction over other ports than those that had been named in the House and in the Senate. I had my view about that and of our powers as a conference committee; but a large majority of the conference committee, older parliamentarians than I am, were so decided about it that we had power over the whole subject of salary at all the ports named in the bill, that all these were taken up, and the object was to classify these ports so that the reduction might be made to extend in some degree with the effect of this bill on the moieties. The consequence is that Boston, which last year had about \$48,000, is fixed at \$8,000 for the collector. New York, which had not much more than Boston, is now fixed at \$12,000. Philadelphia was classified with Boston, owing to the view that was taken of the business at that port. San Francisco was placed along with two others at \$7,000. There is no reduction of the salary at San Francisco. The salary proper is now fixed at \$6,000. This report puts it at \$7,000. The moieties were \$2,000, if I recollect rightly, at the port of San Francisco, while at New York and Boston they were in the one case \$30,000 and in the other \$40,000.

Mr. WEST. I will ask the Senator from Pennsylvania why he has put New Orleans at \$7,000 and Philadelphia at \$8,000? I ask him further what is the relative amount of duties collected at Philadelphia in proportion to the amount collected at New Orleans?

Mr. SCOTT. I cannot answer the Senator in figures; but I can say that subject was discussed and with a member of the conference committee from the district of New Orleans this result was acquiesced in as altogether right and proper.

Mr. WEST. I will ask one more question. Is not the amount of

duty and revenue derived from the custom-house at New Orleans largely in excess of what it is in Philadelphia?

Mr. SCOTT. My impression is that it is not. My recollection of the figures is that the imports into the port of New Orleans for last year were stated, whether correctly or not, at twenty-three or twenty-four millions; those into the port of Philadelphia at twenty-nine millions. The exports may have been much larger from New Orleans, as doubtless they were, than from Philadelphia; but this arrangement of salaries was made after a very full conference among members of the committee, and I do not now remember that there was any disagreement on the subject.

Now, Mr. President, I have replied to the question put to me, and I wish to say, lest there may be any misapprehension on this subject, that I should be glad to have any question put to me with reference to any subject of this bill that I am able to answer. I do not wish by anything that has occurred to convey the idea to any Senator, not even to the Senator from California, that I have any disinclination to answer his questions.

Mr. SARGENT. Mr. President—

Mr. BAYARD. I wish to say one word with the permission of the Senator from California and the Senator from Pennsylvania. This amendment is not an amendment of the Senate. By looking at the bill as it passed the Senate, it will be found that Philadelphia was not among the enumerated ports at all, and the Senator from Pennsylvania is not in any way responsible for the first insertion of that amendment or the classification of the ports. The Senate will remember that the House struck out, on page 15 of the original bill, Senate amendment No. 44. The House therefore struck out all in regard to the salaries at the port of New York and some other places; but Philadelphia was not enumerated in that amendment at all. The proposition which we accepted was a proposition from the House, and I may say to the Senator from Louisiana—it is not improper to say it—that on that committee was a gentleman from the State of Louisiana, representing the city of New Orleans, I think, Mr. SHELTON. The proposition we now find before us came from the House, and came from a committee, a very active and prominent member of which was Mr. SHELTON, a Representative of Louisiana in the other House. It was not the motion of the Senator from Pennsylvania that placed Philadelphia in one category and New Orleans and San Francisco in another. Therefore when the Senator from California supposes that there was anything like a "paternal care" in respect to that, I beg leave to say to him, as I may, that the proposition classifying Philadelphia with San Francisco and Boston was a House proposition which the Senate conferees agreed to. We know that in all these cases of disagreement between the two Houses it is necessary for each House to yield something.

Mr. SARGENT. San Francisco is not classed with Philadelphia and Boston. There is just the mistake made here.

Mr. SHERMAN. It is only a matter of five hundred or one thousand dollars.

Mr. SARGENT. No matter whether the money involved is only five hundred or one thousand dollars, it is a very important matter. I was speaking of San Francisco. The Senate fixed the salary there at the same rate as New York and Boston, as it should be, considering the amount of revenue that passes through the hands of the collector there. I asked why San Francisco was degraded, not why Philadelphia was put in? If I had wanted to know why Philadelphia was put in I would not ask the Senator from Pennsylvania. I read in the Philadelphia North American within one week a most boisterous and insulting article against the delegation in both Houses of Congress from Pennsylvania, because they allowed Philadelphia to be left out, and a call was made on the citizens of the State to send somebody here who would attend to the interests of the State and of the port of Philadelphia, and not allow them to be oversloughed in this way. I think it was an insulting article. I supposed that of course it would call the attention of the Senators and members from that State to the proposition, and the natural relief would be furnished and Philadelphia would be put in the proper place. I do not object to where you put Philadelphia in, but I do object to degrading the third port in the collection of revenues down below the fourth, down to a point below where the Senate put it.

The Senator asks me why I did not attend to it. I did keep a supervision over it while the bill was before the Senate; I was attending to it all the time; but in the committee of conference, where there was no representative from the Pacific coast, it was stricken down. That is what I object to. I say it was unfair, unkind, unjust to those officers, unjust to the Pacific coast; and remember, sir, it was not a proposition made by either House. The House of Representatives had not acted on it except by a general non-concurrence in the Senate amendments; but Philadelphia, which the Senate had not covered, was put in by the conference committee, and put in over San Francisco, and San Francisco was pulled down. I think that is a matter of legitimate comment, even though the actual amount of money may be but five hundred or a thousand dollars a year.

One other remark and I have done. This is not a matter of feeling between the Senator from Pennsylvania and myself at all. I simply wanted to call attention to the fact that these cities have changed places; that was all. The Senator from Pennsylvania seems determined to consider, because my manner is somewhat earnest, that

I am discourteous. I asked him a question and he replied, "Why did not the Senator attend to it?" I rejoined that I was not on the committee of conference. He seemed to take offense at that, because I injected it into his explanation. I then reminded him that yesterday—and the RECORD bears me out—when he was proceeding to make a statement, I asked him a question or two; and it seemed to me he was impatient of questions; so much so that I said to him, "I am sorry the Senator is impatient of questions; I will not interrupt him again until he gets through with his speech;" and I did not interrupt him further. But, sir, I had hardly commenced my remarks in reply to him when the Senator rose and asked to be heard. I listened to him for three or four minutes until he got through and sat down. I then replied to what he said. Almost immediately he rose and interrupted me again, as the RECORD shows. I listened to him patiently and replied. You will find four or five interruptions of that kind in the midst of my speech, and there was no occasion for the Senator to show any impatience of interruption. I believe I have always been particularly careful and courteous to my brother Senators in this regard. Whenever any one has risen to ask a question or call my attention to anything, I have yielded immediately, or just as soon as I could finish my sentence. That courtesy I will extend to the Senator from Pennsylvania on all occasions, and I will always endeavor not to encroach on his rights or to be discourteous to him.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is House bill No. 2797, making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. SHERMAN. I hope this moiety bill will be disposed of now. There will be no further debate.

The PRESIDING OFFICER. Is there objection?

Mr. SARGENT. Yes, sir; I object.

Mr. SHERMAN. Then I move to postpone the present and all prior orders until this conference report is disposed of.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the report of the conference committee on House bill No. 3171, known as the moiety bill.

Mr. HAGER. As I understand it the port of New York ranks first in point of dignity of revenues; Boston, I believe, is second; and San Francisco is third. Now, it seems to me the proper way to graduate the salaries would be in accordance with the amount of revenue that is obtained for the Government in the particular ports. I presume the duties are exalted just in proportion to the amount of revenue that is yielded to the Government: and why Philadelphia should be exalted over Baltimore and San Francisco I have heard no reason expressed here even by the Senator from Pennsylvania. He says it is in consequence of the abolition of the moiety system that has heretofore prevailed. Perhaps they are not as sharp on moieties in San Francisco and Baltimore as they are in Philadelphia; but I cannot see that that has any relation or bearing on the question. The abolition of moieties will apply to every port, San Francisco, Philadelphia, Baltimore, and all of them alike. I see no reason why Philadelphia should be selected and placed in the position that it occupies here with a salary above San Francisco and Baltimore, which rank higher in point of revenue than Philadelphia. There can be no reason for it.

Mr. SHERMAN. I wish to make a suggestion to the Senator from California. I know he is decidedly in favor of the passage of this bill. Here is a report of a committee of conference which there is no opportunity to amend. The only way in which this report can be amended is by disagreeing to it and asking for another conference. The matter now under discussion affects the salary of the collector of customs at San Francisco \$500. We had better make up the amount in the Senate and send it to him rather than postpone the passage of this bill by such a discussion.

Mr. HAGER. That may be; but I think every Senator has a right to put his protest on record to show the injustice in the arrangement of the bill. It may stand on the record for future legislation at all events. If it has no effect on the present legislation it may at a future period show the injustice done by the arrangement that has been made here without any regard to actualities.

But, sir, I do not suppose I can change this matter; neither did I expect to speak on this subject; but when such discriminations are made as have been made here, I do not think it is anything more than right that they should be pointed out before the Senate.

Mr. SHERMAN. They can be corrected at any time.

Mr. HOWE. Mr. President, I was not able to agree to the report of the committee, and did not sign it, and shall not be able to vote for it in the Senate. I did not vote for this bill when it passed the Senate the other day. I was one of the three, I believe, in the Senate who voted against the passage of the bill. I shall vote against the adoption of this report. When I voted against the bill the other day in the Senate I really did not understand it very thoroughly. I had not then had an opportunity to examine it very closely. I had run over it; I had scrutinized some features of it; I had a very strong impression as to the effect of the bill; and it was because of that impression that I was induced to vote against it. Since then I have examined the bill more carefully, and those impressions are strengthened. The bill which passed the Senate the other day, in my judg-



ment to-day, was a worse bill than I then thought, and I then thought it a very bad bill. The bill which you are asked to sanction to-day is a worse bill than that you did sanction the other day. The changes which have been brought about by the negotiations of your conference committee have lessened rather than strengthened the efficiency of the bill. That is my judgment.

I said the other day that I thought it was a profound mistake for you now to repeal the whole moiety system, and I thought it was a profound mistake for you to preclude the Government from all opportunity, all possibility of obtaining information as to misconduct from the books of the merchants themselves. I said I thought the effect of these two provisions would be to go very far to prevent honest importations of foreign merchandise. I believed that under the operation of those two provisions your duties must be diminished; I believed your importations must be increased; I believed that home productions and home industry must be crippled by being further exposed to the influence of foreign competition. If I shall find myself, after a year or two, mistaken in these anticipations, I shall be glad; but if the near future should verify these predictions of mine, I hope the Senator from Ohio and other Senators on this floor who have been so very active in the passage of this bill will take notice of the fact, and I hope they will then be ready to tender a remedy.

Mr. President, I have heard it said repeatedly that these changes were demanded by the importing merchants of our cities. While the bill was under debate here the other day the testimony of one of the largest of these importers, Mr. A. T. Stewart, was read. I understand that testimony to be flatly against the provisions of this bill. Since that time the Senator from Ohio has placed in my hands the testimony of another importer, the firm of Messrs. E. D. Morgan & Co., merchants well known to the people of New York, well known to the Senate. It is very evident to me that the Senate does not care much what E. D. Morgan & Co. may have to say. That is manifest from the whole attitude of the Senate. But I think it due to them and perhaps due to the country that what they have said should be made known, should be placed upon record, so that hereafter if Congress shall be compelled in the interest of the revenue to take this statute from the books, if hereafter Senators shall plead, "Why, we were simply answering a demand made by the importing merchants of the country," it shall be known that E. D. Morgan & Co. were not among those merchants who made that demand; and therefore I propose to read what Messrs. E. D. Morgan & Co. have to say on this subject. The letter is addressed to the Senator from Ohio, the chairman of the Committee on Finance, dated New York, May 20, 1864:

DEAR SIR: We desire to call your attention to the danger which we apprehend from a change in the existing laws for the protection of the revenue. Any laws less effectual in restraining fraud in the importation of merchandise will surely work to the detriment not only of the revenue, but to that of honest importers. If there are errors in the existing laws, let them be corrected; but do not abate in any way their efficacy. If, for example, the laws now in existence should be altered so that reference to three merchants, to be selected by the Secretary of the Treasury, could be made before any action against any accused party is commenced, it could hardly fail to be satisfactory to all parties concerned.

We have in past years, in common with many others, been severe sufferers by fraud in the importation of sugars, and we were obliged almost entirely to withdraw from that business for a period of two or three years; and we therefore write with a full knowledge of the subject.

Very truly, yours,

E. D. MORGAN & CO.

Hon. JOHN SHERMAN,  
Chairman, &c.

Mr. SHERMAN. I ought to state that the difficulty of which they complained grew out of the classification of sugars and is not affected by this moiety question in any way. We changed the classification to meet that difficulty. The duty on sugar was specific, but the classification being upon the Dutch standard, a rather uncertain standard because of the change in the habits of sugar dealers, a difficulty grew up. That has been corrected, so that I believe there is no controversy in regard to the business these gentlemen are engaged in. The moiety question does not affect them at all, as I understand.

Mr. HOWE. They are under the impression that the moiety question does affect them. They know that the only protection an honest importer has is in efficient laws energetically enforced, and they tell you, "Amend your laws but do not make them less efficacious." That is what these merchants say; and yet in the face and eyes of that protest from men who do not want to cheat the Treasury and do not want to be cheated in their business, here is a long bill which in my judgment from beginning to end makes your laws less efficacious, makes the securities to the revenues less than they are now, makes the protection to honest importers less than it now is.

Mr. President, I have not had the opportunity yet of hearing it explained on this floor—perhaps it has been explained but not when I was present—why it is thought necessary at this day to withdraw from everybody all inducement to watch over the action of your customs officers and the action of your importers. I have not heard any one explain yet how the Government or how honesty in business suffers because you offer large inducements to men to detect and to expose fraudulent dealings with the revenue. I shall be glad to hear that explained. I have heard a great deal said in a declamatory way about the infamy of informers and about the general demoralization that comes from moieties. What the illustrations are I have not heard and I do not know. I have heard declamation here over and over again about honest merchants being pursued and hunted down, mistakes taken advantage of by informers in order to enforce

penalties. What are the instances? Has that been done, or has it not? How many cases are found in your records in which honest importers have suffered from their mistakes or suffered through the malignity of your informers as you call them, your special agents? I have not heard of one. There may be many.

Mr. President, I have heard the special agents of the Treasury denounced. The other day one of them, a Mr. Jayne, was arraigned here. Later than that the Senator from Delaware [Mr. BAYARD] introduced another, a namesake of my own, Colonel Howe. I do not know but that both these men are great rascals; but I think it would be simply fair when their names are introduced here, when their official conduct is arraigned, to state what their misconduct is. They are not here to defend themselves and I think the least that could be done is to state what their offenses are, and I think this should be observed more especially because they were in service, when they were in service, under the direction of your Secretary of the Treasury, under his control. Did any complaint ever come from any quarter of the country to the Secretary of the Treasury of their misconduct? If so, did he listen to it, or was he deaf to it? If I had been Secretary of the Treasury and heard these men, subordinates of mine, denounced as they have been denounced on this floor, I should feel as if a great wrong were done me, the head of the service. It was unquestionably the business of the Secretary of the Treasury to have corrected these wrongs, to have righted these abuses if they were complained of. If they were not complained of to him, I should regard it as very strong evidence that they did not exist; that the abuses were fictions, not facts.

But, Mr. President, I did not mean to say as much as this upon the question of moieties, upon the question of the seizure of books and papers. There are other features of this bill which did not attract my attention the other day, and on which I wish to make a word of comment.

A good deal has been said upon the point that the penalties for frauds and wrongs against the revenue laws provided in this bill are less than the penalties in the existing law. I do not care so much about that myself. The penalties in this bill are enough if you will enforce them. The features in this bill that I complain of is not so much that the penalties are not severe enough, but that those penalties never will be enforced for two reasons. One is that you have made the law so loose that it cannot be enforced if your officers do not want to enforce them; and the other and the stronger reason, if possible, is that you have instructed the country by this bill that the officer who undertakes to enforce your revenue laws becomes infamous in doing so that he is an offender against public sentiment, that you do not mean to have your mercantile community interfered with; they must be respected, whatever becomes of the revenue. I should be entirely content with these penalties if you would give us some reason to hope that these penalties would be enforced.

Mr. President, while I have almost been touched to see the exhibition of sympathy here in the Senate for those poor importers who have been made to pay enormous fines, heavy penalties, simply for cheating the Government of the United States out of its revenue, I am glad to see that the Senate does not mean to take sides with all sorts of rascality. There are some offenses, it is evident to me from this bill, that the Senate is willing to see punished. It has given us an example. Here is one section of the bill—I read it by way of contrast—which declares:

That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall for each offense be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both.

And in addition to that the goods so brought in shall be forfeited or the package in which the item is shall be forfeited. You know, Mr. President, how severe the struggle was to provide any imprisonment whatever for any possible offense against the revenue laws. The Senate put it in; the House would not agree to it. The conference committee, as I understand, finally kept it in by putting equivalent provisions in the bill, which make it very certain in my judgment that nobody will ever be imprisoned, because nobody will ever be convicted under this law.

But here is another crime which this law points out. Here is a crime that the Senate means to set its foot upon; here is a crime that the Senate means to crush out. What is it?

It shall not be lawful—

Says the section—

It shall not be lawful for any officer of customs, special agent, or district attorney to compromise or settle any claim of the United States arising under the customs laws, or relieve from any fine, penalty, or forfeiture; and any officer or person who shall so compromise or settle any such claim, or attempt to make such compromise or settlement, or relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years and be fined not exceeding \$10,000.

And after all that thundering the section concludes:

Provided, however, That the Secretary of the Treasury, in accordance with general regulations, to be prescribed by him, not in conflict with existing laws nor with the provisions of this act, may remit any fines, penalties, or forfeitures upon suffi-

cient proof that there was no intention of fraud or willful neglect upon the part of such person or persons against whom such fines, penalties, or forfeitures shall have accrued, or on the part of his or their agent or agents.

That is not precisely the way in which the provision stands in the bill agreed to by the conference committee. I see here a late Secretary of the Treasury. I should like to know whether the offense denounced in this section has ever been committed, or how many times it has been committed during his administration of the Treasury Department to his knowledge.

Mr. BOUTWELL. Never, to my knowledge, at all.

Mr. HOWE. I hear the Senator from Massachusetts, the late Secretary of the Treasury, say that that offense against which you are careful to pronounce ten years' imprisonment and \$10,000 of fine was never committed to his knowledge; and yet you ask the Senate to get up bristling with indignation at a crime which never has been committed, while the whole power of Congress is invoked here to tone down, to smooth the way for these great overtowering rascalities which are committed daily and repeated daily in every port of the country where goods are received from abroad.

Mr. President, let me call the attention of the Senate to another feature of this bill. I said that the House of Representatives had manifested its evident hostility to allowing any penalties, even so mild as those mentioned in the twelfth section, to be retained in this bill. It seems the conference committee, however, has agreed to keep them there; but I find another amendment which went to the House, to which the House did not agree, from which the Senate committee seems to have receded. The Senate struck out the sixteenth section of the bill as it passed this body, that section which declared that the question of guilty intent or fraudulent intent should be submitted to the jury not merely as a question of fact necessarily included in the definition of the offense to be tried, but that it should be submitted to the jury as a separate and distinct issue. The Senate struck out that section. I find that the conference committee has concluded to retain the section. That becomes very significant, and I think very important when you look at it in connection with a previous section of the bill. The eighth section of this bill declares that a person entitled to compensation as an informer under the provisions of the bill shall not be disqualified as a witness on the trial of the cause because of that interest in the recovery; but it declares that if the Government does put the informer on the stand and examine him as a witness, the defendant himself shall have the right to testify.

Mr. CARPENTER. Will my colleague allow me to call his attention to that section as now remodeled? It first allows the informer shall testify; and then added to that is a substantial substantive provision:

And in every such case—

That is, "any action, suit, or proceeding for the recovery, mitigation, or remission" of the forfeitures provided for by this act—

And in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

Mr. HOWE. I am much obliged to my colleague. I had not read the section as it is printed in the bill submitted to us from the conference committee. I think my colleague is clearly right that in every case under this law the defendant has a right to take the stand himself and be sworn as a witness in the cause, not merely a witness as to what he has done or not done, but a witness upon that separate distinct issue as to whether he did it fraudulently or not with the actual intent to defraud, about which he is the only being on earth who can speak with positive knowledge, and you have furnished no process here by which you can bring witnesses from any other place. He is the only witness who can speak with positive knowledge; and if he will take the stand and swear "Yes, I did this; I received this cargo on such a day, and I presented to the custom-house in which the goods were appraised so and so; I had another invoice sent me which is entered in my books and on which I sold the goods; but then this was all the result of a mistake; I was misled by my correspondent in Liverpool or Birmingham or elsewhere; it was a mistake;" and if he swears to that, what jury would venture to say not merely that that defendant is guilty and shall pay a fine, but that he is guilty of perjury as well?

Mr. President, that is all I care to say on that point. Now I wish to call the attention of the Senate for one moment to the question of salaries. I do not care much about them. I hear the Senators from California complain that the salary provided for the collector of the port of San Francisco is less than it ought to be in comparison with the salaries provided for the collectors of other ports. I cannot explain that unless the explanation is found in the fact that the representation from California could not do much to secure the passage of this bill, while the representatives from Eastern States were more numerous and could do more. I do not believe, however, that consideration affected the action of the members of this House. I do not say anything about members of the other House. I want to add my testimony right here to the testimony of the Senator from Delaware that if there is anything wrong in the discrimination made between the port of Philadelphia and the port of San Francisco, the Senator from Pennsylvania who sits on my left [Mr. SCOTT] is not responsible for that wrong. I have had the means of qualifying myself to speak on that point. It is simply due to that Senator that the fact should be known, and it gives me great pleasure to state it. But, Mr. President, I will not

undertake to explain these things, I wish some Senator, some member of the Committee on Finance, some one somewhere would tell me why you put the salary of the collector of the port of New York at \$12,000, while the Secretary of the Treasury works for \$8,000. What claim has the collector of New York upon a salary 50 per cent. greater than is paid to the Secretary of the Treasury. Here is a list of officers, quite a number of them, who are paid as high as or higher than the Secretary of the Treasury? Does any one of them incur a responsibility or perform an amount of labor greater than is performed by the Secretary of the Treasury? My honorable friend from New York can doubtless explain how this is. I cannot.

Mr. CONKLING. Having the permission of my friend from Wisconsin, I venture to answer in part so much of his question as relates to the collector of New York. He inquires why does the collector of the port of New York receive \$12,000, for example, and then suggests, in comparison, to point his question, that a very high officer of the Government receives but \$8,000. I answer that the reason consists in part in the fact of the enormous pecuniary responsibility which the collector of the port of New York assumes and for which he gives very heavy bonds. A half million dollars in a day is not unusual, is less than the ordinary occurrence of his responsibility. He is liable not only for himself but for his subordinates; and I venture to say there is not a solvent insurance company in the country which for a premium amounting to the salary fixed by this bill for the collector of the port of New York would insure the pecuniary responsibility of the collector and his subordinates, for which he and his sureties are liable. Therefore, so long as men measure, as they always have measured, compensation in respect to pecuniary trusts by risks run, so long I humbly submit to the Senator it will be fallacious to compare mere duties, mere labor, mere official cares in the sense of exertion, with the same care when coupled with enormous pecuniary responsibility.

Mr. HOWE. The honorable Senator from New York has given an excellent reason why the collector of the port of New York should have a salary as high as \$12,000; but after all he has not given a reason for that vast disparity of salary which is paid to other officers of the Treasury Department, and which is proposed to be paid to the collector of customs at the port of New York. If this means to measure out salaries proportioned to the weight of pecuniary responsibility devolved upon the officers, why do you make no greater difference between the salary of the collector of New York and the salary of the collectors of Boston, San Francisco, or Philadelphia? New York collects I suppose about three-fourths of the customs revenue of the whole country, and tried by that test the collector's salary should be three times as much as the salary of all other collectors.

But there is another officer in New York to-day whose pecuniary responsibilities I take it are even heavier than those of the collector of customs there, and that is the sub-treasurer, and I take it there is an officer in this city, to say nothing about the Secretary of the Treasury, to wit: the Treasurer of the United States, whose pecuniary responsibilities are greater than those of any other collector in the United States. I believe the sub-treasurer in New York works for a salary of \$7,500; I believe the Treasurer of the United States works for a salary of \$6,000. I am corrected on both sides of me; it is said he has the same salary as the sub-treasurer at New York. I am not finding fault with the salaries which you propose to pay to the collectors under this bill. They are as low as they ought to be. I simply want to know what consideration there is that moves us at this time to do justice in the way of salaries to these few officers, and to leave this great injustice upon those other officers who do more work, assume more responsibility, and are yet unpaid.

Mr. HAGER. Will the Senator allow me a word?

Mr. HOWE. Certainly.

Mr. HAGER. I desire to say in justification of what I stated that I see upon reference to the departmental report that the imports at the port of San Francisco are nearly double those at the port of Philadelphia. I mention this as a justification of the remarks I made before in regard to this arrangement of salaries.

Mr. HOWE. Mr. President, let me call attention to one other section of this bill, and I now have before me the bill printed in pursuance of the recommendations of the conference committee. Let me call attention to the twenty-fourth section and I shall be done with this subject for the present. The twenty-fourth section provides:

That the Secretary of the Treasury shall, from time to time, make such regulations as he may deem necessary for the conduct and management of the bonded warehouses, general-order stores, and other depositories of the imported merchandise throughout the United States; all regulations or orders issued by collectors of customs in regard thereto shall be subject to revision, alteration, or revocation by him—

So far I understand, it recites substantially the law as it exists—

and no warehouse shall be bonded and no general-order store established without his authority and approval. And it shall be the duty of the Secretary of the Treasury, in granting permits to establish general-order warehouses, to require such warehouse or warehouses to be located contiguous, or as near as may be, to the landing places of steamers and vessels from foreign ports; and that no officer of the customs shall have any personal ownership of, or interest in, any bonded warehouse or general-order store.

Now, according to my understanding, the only effective words in that long section are those requiring that general warehouses shall be "located contiguous, or as near as may be, to the landing place of steamers and vessels from foreign ports." Those, I think, are the



only words in this section which will alter the law. Those words will have, as I understand them, just this effect and no other: to secure to three great steamship companies, not one dollar of the capital in any one of which is owned by an American citizen, and to secure to them absolutely, the storage of all the goods they bring into the country, not merely of the general-order goods, but of all the goods they bring in. The Cunard line, the North German Lloyds, and the Hamburg line have at last obtained or will when this law is put upon your statute-book, have obtained from an American Congress a national decree that they shall have the exclusive storage of all the goods which they bring into the country and which go into bonded warehouses or into general-order stores. That may be a wise thing to do; it does not seem to me to be so; and it is one of the reasons why I will not consent to the passage of this bill. If I am mistaken as to the practical effect of this section I shall be glad to have my mistake pointed out. That is just what I understand it to be; and yet it passed the Senate, I believe, the other day, without any criticism or attracting any attention whatever. I do not know whether it was the design of the framers of this bill or whether it is an accident which has crept into the bill. That is the way I regard it, and that is one of the reasons why I shall not vote for it.

Mr. President, I will occupy no more of the attention of the Senate.

Mr. CARPENTER. When this bill was before the Senate the other day I voted against it. I did so because in my belief it would defraud the revenues twenty-five millions annually. But that is not all. We might be willing to pay twenty-five millions a year for a great reform. We are paying pretty dearly for all our great modern reforms, and twenty-five millions a year might be cheerfully paid for this. But the evil does not stop with the twenty-five millions. Such is the nature of the importing business that a very slight discrepancy in the duties paid would enable those who pay lesser duties to control the market and ruin all the men who pay the higher duties.

This bill, as it seems to me, from beginning to end is a bill to favor smugglers. It is the most tenderly drawn bill to punish smugglers that ever was devised. Our fathers, in the infancy of the Republic, devised a system for collecting the revenue with a keen knowledge of the nature of the subject to be regulated, taking into account the temptation which existed to violate the law, and the evil consequences that would follow from its violation, and they framed and matured a complete system which has been in existence for nearly eighty years, and under which our duties have in the main been impartially and honestly collected. Now it is proposed to change that system in many important particulars, and we have this bill for the purpose. The two sections to which my colleague has already referred clearly indicate the spirit of this bill. We are told that the merchants, the importers, demand a reform in the law. What kind of a reform? A reform, we are told, that shall impose less severe penalties for a violation of the law. That is, the reform, as far as it goes in that direction, is to encourage the violation of the law, make it easier to violate the law, make it more difficult to convict a man for violating the law, make the penalty for violation after conviction less severe, and to remove the instrumentalities by which the law has been enforced. As illustrating this, the eighth and fourteenth sections seem to me to be conclusive. The eighth section reads:

That no officer, or other person entitled to or claiming compensation under any provision of this act, shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof—

"Thereof" means nothing, and I believe is a misprint. The "fines, forfeitures, and penalties prescribed by this act" are referred to by the word "thereof." I proceed with the section—

but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case—

That is, referring back to the previous language, "in any action, suit, or proceeding for the recovery, mitigation, or remission, &c., of the fines, penalties, and forfeitures imposed by this act." That is what is meant by the phrase "every such case."

And in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

Then section 14 requires the judge not only to have the jury find that the defendant has violated the law, has smuggled articles, and entered them falsely by perjured affidavits; but after all these facts are established and after the jury are satisfied that the man has committed the offense within every legal definition which ever applied to such a subject, then the jury are to be brought to another question that is separate and distinct from the question of the man's guilt arising from the facts proved, what he has done and the legal presumption arising therefrom; and the jury are to be told in substance, "Although you may find that this defendant knew that there were diamonds in that chest of tea, and that he made a false affidavit when he entered the package, you must, notwithstanding, answer this further question, you must say upon your oaths, upon all the testimony in the case, that the defendant did this thing with 'an actual intent' to do what? Defraud the revenue law? O, no; that is not it, but 'to defraud the United States.'"

My honorable friend from Pennsylvania would say that defrauding the United States in this connection means defrauding the revenue laws of the United States. Very well. My honorable friend would not smuggle; he would not commit perjury to cover smuggling; he

would not swear, if he had done such a thing, that he had not done it. I am not speaking of him; but let us take the case of a man who believes that free trade is for the true interest of this country. Suppose a man thinks every article ought to be imported free of duty, and he simply swears that he had no actual intent to defraud the United States. Then the jury when they come to that part of the case have heard the only witness who, as my colleague has said, can really know what his intentions were. Any one may judge of his intentions from his conduct. We hang murderers, we convict men of every crime in the catalogue by testimony of this kind, by the legal presumption from the acts performed by the party; but that is too severe for smugglers. Our hearts relent when we come to a smuggler. We would hang a man charged with murder upon the presumption of the law arising from his act; but we are not to convict a smuggler by the same rule. We must go beyond the fact and the presumption arising from it and prove that he actually intended to defraud the United States, and we make him the witness; and in the nature of things he is the only witness.

Now, I want to know if any lawyer who has been in the habit of defending these cases and other criminal cases for years believes that a conviction can be had under these two sections, that a jury will find a man guilty of the actual intent when he swears positively that he had no such actual intent and when the judge must tell the jury "no matter what you conclude from the fact that he did certain things, the law requires not only that but it requires in addition to the legal presumption from the act done that you should find as an independent, yes, and as a separate, distinct fact by a special finding, that this man did actually intend to defraud the United States?" Suppose the jury should happen to be free-traders, and suppose they should find that the man did intend to defraud the revenue laws; but they being free-traders think the revenue laws are against the interests of the United States, and consequently smuggling does not defraud the United States taken as a whole, but is in the interest of the people, and if such a jury would acquit every man of smuggling because they are opposed to paying duties? This is a penal act, and is to be construed strictly.

Does anybody believe, Mr. President, that the honest merchants of this country want such a law passed? Will such a law help anybody in the importing business except thieves? Certainly not. And yet for voting against such a bill and opposing it I have been handled rather severely by the New York press; and while I do not expect to take any notice of what any newspaper may say about me as an individual, when I am charged as having acted corruptly as President of the Senate, I think the case is different. After having criticised my opposition to the bill the New York World says:

The President of the Senate *pro tempore* need not imagine that the commercial community does not see through his maneuvers. He appointed Senator HOWE on the conference committee.

Then it goes on and abuses my colleague, which I rejoice at, [laughter,] for I have been abused individually so much that to be yoked to another man and have the lash come over both of us at once gave me infinite delight.

Nor will it be overlooked that Senator HOWE is not even a member of the Finance Committee, and that it is customary for a bill perfected and considered in the Finance Committee to be referred to a conference of members of that committee.

I need say nothing about that criticism in this body where parliamentary usages are known and where everybody knows that a conference committee should be so made up as to represent both sides of a question; and in this case the Senator from Pennsylvania and the Senator from Delaware [Messrs. SCOTT and BAYARD] were both members of the Finance Committee. I may state the further fact that after the chairman of the Finance Committee [Mr. SHERMAN] had declined to serve on the committee of conference in consequence of his other engagements, I called him to the chair and consulted with him about the committee, and the committee that was appointed was entirely satisfactory to him.

But this criticism is followed by a statement which leaves the inference, and was undoubtedly intended to create the impression, that I had acted corruptly in the chair in consequence of what is added in the next paragraph, namely:

The merchants of New York know very well that when the Phelps-Dodge case was in its inception the lawyers of the spy Harvey telegraphed for Senator CARPENTER, and that Senator CARPENTER came here and gave his legal advice to aid the prosecution in realizing their \$271,000.

Now, merchants of New York, do you not see why this man has acted so corruptly in the chair? Do you not see why he did not appoint the conference committee all on one side? Because he had been retained for the spy Harvey and was his legal adviser. Three things are affirmed here; first, that Harvey's lawyers telegraphed me; second, that I went to New York; and third, that I gave legal advice in aid of that prosecution.

There never was a greater falsehood. Neither Harvey nor his lawyers nor his friends ever telegraphed to me to my knowledge about any subject whatever. I never went to New York in consequence of such telegram. I never aided by advice or otherwise the prosecution in realizing \$271,000 or any sum whatever. I never aided them at all, nor gave them any advice whatever.

I voted against this bill because I thought the bill was an exceedingly bad one, because I thought it would defraud our revenue and ruin all honest importers, that smuggling would become the rule and

must become the rule, and honest importers must abandon the market; but when I resumed the chair I acted as I have tried to act in all cases, appointing the committee of conference according to the rules of parliamentary law.

Mr. SHERMAN. I desire to say, if the statement of the Senator from Wisconsin really needs any corroboration, that the editor of the paper was entirely mistaken in regard to the organization of this conference committee. It was made in exact accordance with the rules requiring a majority of the committee to conform to the vote of the Senate. That was done in this case by appointing two members of the Committee on Finance who reported this bill on the committee of conference and appointing also a gentleman who had voted against the bill. That is the uniform custom of the body, and the appointment of the Senator from Wisconsin [Mr. HOWE] I think I suggested myself, because the Senator from Wisconsin had voted against the bill and had shown himself very much opposed to it, and thereupon, when he was appointed as being opposed to the bill, I handed over to him a number of papers against this bill. Although I was strongly in favor of the bill, I felt it due that the conferees should have all the information to be had on either side of the subject, and I am perfectly satisfied with the result of their labors.

Mr. SCOTT. I do not rise to enter into this controversy about the New York World, for I have come in for my share of editorial abuse; but as my friend from Wisconsin has commented on a portion of the eighth section, which enacts that the party sued for a penalty may become a witness, I simply want to ask him whether he thinks that is introducing any new principle into our Federal legislation in view of the act of 1864, which provided "that in the courts of the United States there shall be no exclusion of any witness on account of color nor in civil actions because he is a party to or interested in the issue to be tried?" I am not aware whether the question has ever been met as to whether this section covered a civil action for a penalty, although the language I think is broad enough to do so, unless there has been a decision to the contrary. My friend from Delaware, to whom I suggested this question, hands me this ruling: Under the act of 1864 the claimant of property seized for a violation of the internal-revenue law is a witness in his own behalf." (United States vs. Ten Thousand Cigars, 1 Woolworth, 123.)

Mr. CARPENTER. There is no doubt about that. The new principle introduced here is that while you leave him to be a witness and he is authorized to swear, he is the only man who can swear as to his actual intention as distinguished from that intention as presumed by his conduct, and you then require the judge to put that as a separate and distinct question to the jury, whether they find him guilty of an actual intention. There is the new principle.

Mr. SCOTT. I understood the comment which my friend made on the two sections taken together to animadvert principally on permitting the defendant to become a witness.

Mr. CARPENTER. No.

Mr. SCOTT. I simply wished to call his attention to the fact that it was only a re-enactment of what had already been the law.

Mr. CARPENTER. That I understand; but that taken in connection with the other provision makes a new principle.

Mr. STEWART. The title of this bill suggests to my mind some very grave considerations. The number of cases of fraud exposed by this detective system demonstrates the amount of smuggling to some extent, and demonstrates the necessity of a very rigorous administration of the law. It shows that the amount of robbery in the collection of our revenue is perfectly enormous. But the public sentiment will not tolerate moieties, which appear to be the only inducement you can offer in order to get at these frauds, and when these spies are taken off we may reasonably suppose that the amount of frauds must increase immeasurably. I have no doubt of it. Good judges estimate that there will be twenty or thirty millions stolen annually in consequence of this measure; that is, our revenues will be reduced that much; and into whose pockets will this money go? Into the pockets of honest men? No; into the pockets of smugglers.

If this business of collecting the revenues by tariffs is liable to these enormous abuses, a very grave question arises. We have been told that in a single year, of the number of cases detected and unearthed forty-eight judgments were obtained and enormous amounts of money made by the officers as moieties. These moieties always come out of the fraudulent importations. They are the divisions of the spoils of those that are overtaken. I say there is enough developed in the course of this controversy to cast a very grave suspicion, a very grave doubt, upon the possibility in the United States of collecting revenues by imposts, by duties. If the system is such that no honest man can be engaged in importing—and I believe it is admitted that in certain branches of trade American merchants have been driven out entirely—if the system is such that enormous wealth can be accumulated by people who are willing to be dishonest, it seems to me it creates a necessity for remodeling your tariff so that these revenues can be collected and collected honestly. It is a most conclusive argument against your general *ad valorem* tariff. The developments in the course of this discussion furnish a strong argument against your present tariff system.

It appears that spies will not be tolerated in this country; they are odious; but when we reflect upon what has occurred during the last year, what may we expect to happen when they are taken off? It shows that we must remodel our tariff law, and impose duties upon

only a few articles, and those of such a character that there can be no fraud in them.

I have voted consistently since I have been here for tariffs. A tariff is a tax directly upon my people. They manufacture nothing; they produce gold and silver, and buy everything. The people of the Pacific coast have stood up for tariffs, and they have believed that in the prosperity of the whole country, in the employment of laborers, and in keeping up the price of labor throughout the country, their prosperity would be enhanced, because they are a part of the same common country; but I tell you, if you cannot unearth these frauds of smuggling without creating such scandal as calls for legislation to repeal the laws by which they are unearthed, then you must change your tariff laws; you must do it as a necessity; you must have nothing but specific duties, and those on but a few articles that can be understood.

It may be that the passage of this bill is necessary to stop moieties, because they are odious, but the system of moieties has been in existence long enough to develop a state of things which, without the moieties, will sap the foundation of all government. If you have laws whereby men can by evading them accumulate millions, you saddle all the burdens of government upon the laboring classes. After all, they all come upon labor. If you have such laws, you must obtain your revenue in some other way. If you repeal these laws, you cannot prevent this system of corruption. I have examined this subject enough to be thoroughly satisfied that if you take away your spies and your moieties, the smugglers will rob the country. You say you will not have these spies and informers; and I think there is great deal of reason why you should not have them. Then it is the first duty of Congress to take hold of this question and remodel the tariff, have nothing but specific duties, and put those on so few articles that the world may know where you get your revenue.

Although this bill will not relieve the burdens of the people, although the prices of all articles will remain the same, and the tariff the same, we are told by men who pretend to understand the subject that it will considerably reduce your revenues. Suppose it does not reduce your revenues more than \$10,000,000; those \$10,000,000 are taken from the people and put into the hands of those who are willing to evade the laws. The estimate is that the reduction will amount to \$30,000,000. Can we stand by a system of revenue whereby thirty or forty million dollars may be filched in a year, which must eventually be supplied by the people? The price of everything will be raised in consequence of it. I do not believe, with your present complicated system of *ad valorem* duties and tariff laws, that it is possible to administer them without spies and without agents and without offering inducements for the detection of fraud. You must give inducements to men to watch the smugglers; you must employ detectives if you spread out before the whole country opportunities such as are spread out by means of the present tariff law. You talk about getting honest men and getting men who will do their duty! You cannot hire men to act as detectives without giving them a bounty. I have not the highest faith in detectives; I do not believe much in them; but if you continue this system, if you give so many opportunities for rascality, you have got to pay a pretty high price to detect it. It is a commentary upon your loose tariff system that you cannot avoid. It must be reorganized and remodeled. It is the duty of Congress to pass such laws as will not drive honest men out of trade. Then you can dispense with your moieties. With this system and without moieties the people are to be robbed almost *ad libitum*. There is no doubt of it.

Mr. THURMAN. I only rise to say that I hope the vote will be taken on this report. The bill passed the Senate by a vote of 40 to 3, I think. The subject has been amply discussed; and if we are to do any more business at this session, we shall have to agree to abbreviate our speeches. I hope the vote will be taken.

Mr. FENTON. Mr. President, I suppose discussion has closed on this bill, and I rise merely to congratulate the Senate and the country upon its passage. I assume that there will be none or very few votes against it. The bill as agreed upon by the conference committee is not all that I could have desired. But upon the whole it is in the direction of reform, and ought to be pretty satisfactory as a beginning. If I had been here last week during the discussion I should have tried hard to maintain some other points which I deem important alike to the importers and the Government, and to have defended the bill against the opposition which was made to it. But I am pretty well satisfied with what we have, and after stating my regret that business of a private character, which I could not disregard, compelled my absence, my object in rising is simply to express the earnest hope that the Senate will now without further discussion adopt the report of the committee.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) Will the Senate agree to the report of the committee of conference?

Mr. SCOTT. If we can have a vote I do not desire to say a word.

Several SENATORS. Let us vote.

The report was concurred in.

#### ORDER OF BUSINESS.

Mr. SCOTT. I move that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to resume the consideration of House bill No. 2997, which was



the unfinished business of yesterday but was laid aside this morning by a vote of the Senate.

Mr. FRELINGHUYSEN. The Committee on the Judiciary imposed the duty on me of bringing before the Senate a bill for the enforcement of law in Utah. The bill has passed the House of Representatives. In its form it is a mild measure, only calculated to promote the enforcement of law. That bill has been further amended in the Judiciary Committee, so that I think there can be no objection to it. I have received this morning a communication from the Attorney-General stating that it is of the first importance that that bill should pass. I read a part of what he says:

I think it is indispensable to the administration of justice in that Territory that there should be some legislation upon the subject. The people there have been practically without courts for two or three years. It will be a very great disappointment, and I think calamity, if nothing is done in that direction at this session of Congress.

Now, it is very clear that with the amendments reported by the committee the bill has got to go back to the House. I think that bill can be passed in half an hour; and therefore I move that all other orders be laid aside and that we proceed to the consideration of that bill.

Mr. SCOTT. Is that motion in order pending the other?

The PRESIDING OFFICER. The Chair understands that motion not to be in order at present. The question now is on the motion made by the Senator from Pennsylvania, [Mr. SCOTT,] which must be voted upon. If that should be voted down the Senator from New Jersey can then make his motion.

Mr. FRELINGHUYSEN. Then I would simply ask the Senate, in view of the statement which I have made, and of the fact that our friend from Pennsylvania while he had one measure before the Senate has introduced another which has occupied two or three hours, that we be permitted to dispose of this bill. I am the more earnest about it inasmuch as I am expected to take care of the bill, and to-morrow I must be engaged probably all day in an important conference committee.

Mr. SCOTT. If the measure to which the Senator has referred was one in which the Senator from Pennsylvania might be supposed to have any personal interest, the appeal might have some force. I have simply been acting as the organ of the Senate, as chairman of a committee of conference, and now as chairman of another committee, in bringing before the Senate bills of large public importance. This one has already been discussed at such length that I hope to be able to get a vote upon it in a few minutes.

Mr. FRELINGHUYSEN. I did not think the Senator from Pennsylvania had any personal interest in either of the measures except that personal interest which a Senator always has to dispatch the business which is specially committed to him as soon as possible.

Mr. DAVIES. I hope the Senate will continue in the line it was upon yesterday. We had up a bill, and it is the regular order to-day, in which a thousand persons are interested. It is the work of the claims commission for a whole year. Therefore I hope we shall continue its consideration without laying it aside.

Mr. ALLISON. I desire to give notice that I shall ask the Senate to consider the bill providing for the government of the District of Columbia, and I would move to set aside the pending order but for the fact that the Senator from Pennsylvania says it will occupy only a few moments. This District bill if passed at all must pass the Senate to-day, and I trust Senators will give it that consideration which its importance requires.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to proceed with the consideration of the claims bill.

The motion was agreed to.

JOSEPH MONTANARI.

Mr. BUCKINGHAM. I beg leave to make a statement preparatory to submitting a motion. Some days ago the Senate passed a bill for the relief of Joseph Montanari, and for other purposes, to allow the Secretary of State to audit a claim which he had for services as vice-consul at Port Mahon. In connection with that section, the first section of the bill, it was also voted and the bill which passed here repealed the old law which prohibited the payment of consuls and vice-consuls for services who were not citizens of the United States. That bill went to the House of Representatives, and the House struck out the section which relates to the payment of consuls and vice-consuls who were not citizens. It was put in at the suggestion of the Secretary of State. When that bill was returned, a motion was made that the Senate disagree to the amendment of the House and ask for a committee of conference. That committee was appointed; but about that time, perhaps on the very day, the House put into the appropriation bill for consular and diplomatic service of the Government for the year ending June 30, 1874, a provision like this which they rejected in this bill. Now I ask the Senate to reconsider the vote by which that committee of conference was appointed, and request the House of Representatives to return the bill to the Senate, and then I shall make another motion to concur in the House amendment.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from Connecticut to reconsider the vote by which the committee of conference was appointed on the bill indicated by him?

The Chair hears no objection, and the House of Representatives will be requested to return the bill to the Senate.

Mr. BUCKINGHAM. Now I move that the Senate concur in the amendment of the House to the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

The motion was agreed to.

#### PERSONAL EXPLANATION.

Mr. FENTON. I ask the indulgence of the Senate for a moment to make a brief statement.

Mr. ALLISON. May I ask what is the regular order?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. FENTON. Mr. President, my attention has been called to a newspaper paragraph which relates to my colleague and myself, about which I wish to make a remark. I will send it to the Clerk's desk that it may be read.

The PRESIDING OFFICER. The Clerk will read it if there be no objection.

The Chief Clerk read as follows:

Alluding to a streak of unusual courtesy, which it has observed in Senator CONKLING's behavior toward his colleague lately, the Utica Observer says:

"The explanation of it, as it comes from the lips of Senator FENTON himself, is, to say the least, curious. He says: 'I have CONKLING by the throat. If he dares to open his mouth against me he is a ruined man.' This, of course, may be mere idle boast, although it comes from a man not given to idle boasting."

It is assumed to come from a man who, moreover, is not "given to boasting" at all, least of all when he has the power to do what he will. Any one who knows Senator FENTON will understand what ineffable bosh this talk of the Observer is. We would lay the extravagant odds of the Express against the Observer that the latter invented the whole paragraph.

Mr. FENTON. I think it is due to my colleague that I should say that I did not use the language attributed to me.

Mr. CONKLING. If I may be allowed, I wish to say one word. I, too, had observed this statement. It originated in an obscure print of limited and local circulation; but after a fashion so prevalent in these times, many newspapers thought it worth while to repeat it again and again. It is due to my colleague to say that I never believed he had said any such thing as the statement imputes to him, and I accept as an act of courtesy and fairness his disavowal and denial. It is bad enough that we should be rudely and falsely aspersed as in a greater or less degree we are by those not of this body. Silence however is the best answer to the general storm of abuse. When, however, libelers pretend to quote one Senator against another, and especially a Senator against another from the same State, I think it worth while, as my colleague has thought it, to record a disavowal and denial of injurious untruth.

#### REPORTS OF COMMITTEES.

Mr. PRATT. Is morning business in order? I have some reports to make and I wish to introduce a bill.

The PRESIDING OFFICER. The Chair understands that by a vote of the Senate House bill No. 2797 has been taken up and is before the Senate for consideration. If there is no objection the Chair will receive morning business.

Mr. SCOTT. Let me inquire is there anything the Senator from Indiana wishes to have considered at present?

Mr. PRATT. No, sir.

Mr. SCOTT. If it is simply to make a report, I shall not object.

Mr. PRATT, from the Committee on Pensions, to whom was committed the bill (H. R. No. 2456) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 2, 1873, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2541) giving the consent of the United States to the erection of a bridge across the Arkansas River at Pine Bluff, Arkansas, reported it with amendments.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (H. R. No. 3679) defining the qualifications of territorial Delegates in the House of Representatives, reported it without amendment.

#### BILL INTRODUCED.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 957) chartering a double-track freight-railway company from tide-water on the Atlantic to the Missouri River and to limit the rates of freight thereon; which was read twice by its title.

Mr. PRATT. I introduce this bill by request. So far as I have examined the bill I approve it. I move that it be referred to the Committee on Railroads.

The motion was agreed to.

#### REGULATION OF GAS-WORKS.

Mr. MORRILL, of Vermont. I desire to get a committee of conference ordered on a bill which is on the table in relation to gas-works. Will the Senator from Pennsylvania consent that I may have it taken up and the amendment of the House to that bill non-concurred in?

The PRESIDING OFFICER. Does the Senator from Pennsylvania consent?

Mr. SCOTT. To the appointment of a conference committee I consent; but for no other purpose.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 733) regulating gas-works; which were in section 11 to strike out "coal," before "gas," and insert "illuminating;" and to add to section 11 the following proviso:

*Provided*, That when the price of gas coal delivered at the works of the Washington Gas-light Company shall advance to \$8 per ton, the price of gas to consumers may be advanced 10 cents per thousand cubic feet, and an additional 10 cents per thousand feet for each additional dollar per ton that gas coal may advance in price; and in like manner a reduction of 10 cents per thousand feet shall be made for each and every dollar per ton that gas coal may fall below \$7 per ton; and for that purpose the Washington Gas-light Company shall in the month of May in each year furnish the Secretary of the Interior with a statement of all their coal contracts or purchases for the ensuing year, sworn to before a justice of the peace by their engineer or secretary, and the advance or reduction of price shall take place on the 1st of July ensuing.

Mr. MORRILL, of Vermont. I move that the Senate non-concur in the amendments of the House, and ask a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. MORRILL of Vermont, COOPER, and ALLISON were appointed.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy, in answer to a resolution of the Senate of June 13, 1874, accompanying the report and maps of the survey to ascertain a practicable route for an interoceanic ship-canal via the Lake of Nicaragua; which was ordered to lie on the table, and be printed.

#### PETITIONS AND MEMORIALS.

Mr. FENTON presented a petition of citizens of the United States, praying for a revision of the pension laws; which was ordered to lie on the table.

Mr. CONKLING presented a memorial of Messrs. Hards & Co., Kutter, Luckermeyer & Co., Herman Baker & Co., and other merchants and importers of the city of New York, remonstrating against the passage of the law imposing a tax on sales of stocks, bonds, coin, and other securities; which was ordered to lie on the table.

#### REPORT OF COMMISSIONER OF EDUCATION.

Mr. ANTHONY. I offer the following concurrent resolution, which I ask to have referred to the Committee on Printing:

*Resolved by the Senate, (the House of Representatives concurring.)* That there be printed for the use of the Department of the Interior eleven thousand copies of the annual report of the Commissioner of Education for 1873.

I wish to say in reference to this resolution that the Committee on Printing have received numerous communications from the Departments and from the Bureaus thereof asking for the publication of reports and documents for the use of the Departments. It has been customary for the Committee on Printing to recommend from time to time some of these publications as supplemental to the edition ordered for the use of Congress; but after the evident indisposition of the Senate to sanction any printing of this kind the committee have declined to introduce any further resolutions. If it is proper that these reports should be printed they should be estimated for in the appropriations for the Departments, should go before the Committee on Appropriations, and should be itemized in the appropriations like any other items of expenditure. Therefore I hope that the heads of Bureaus and Departments who desire publications of this kind will make their communications to the Committee on Appropriations, where I think they belong.

The resolution was referred to the Committee on Appropriations.

#### REPORT OF TRANSPORTATION COMMITTEE.

Mr. SCOTT. If the Senator from Rhode Island is through, I must insist on the regular order.

Mr. ANTHONY. If the Senator requests me to do so, I will introduce a resolution that I have attempted several times to have acted upon, and to which I believe there is now no objection, for publishing the report of the committee on cheap transportation to the seaboard. I will do that at the request of the Senator from Pennsylvania, who I believe is very much interested in it.

Mr. SCOTT. No doubt I am very much interested in it; but many Senators complain that unless this bill is put through, and unless I adhere to it, it is interfering with their business, and if that resolution will give rise to the least discussion I must insist on the regular order.

Mr. ANTHONY. I do not think it will give rise to any discussion. I believe the only Senators who objected heretofore have withdrawn their objections. If it gives rise to a word of debate I will withdraw it.

The resolution was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate, (the House of Representatives concurring.)* That one thousand additional copies of the report of the Select Committee on Transportation Routes, with the appendix and evidence taken, be printed, of which three hundred copies shall be for the use of the Senate, six hundred copies for the use of the House, and one hundred for the use of the Select Committee on Transportation Routes; and that there shall also be printed five thousand copies of said report and appendix, without the evidence, of which fifteen hundred shall be for the use of the Senate, three thousand for the use of the House, and five hundred for the use of the Select Committee on Transportation Routes.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. PRATT, it was

*Ordered*, That Henry C. Smith have leave to withdraw his petition and papers from the files of the Senate.

#### HOUSE BILLS.

The bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes, was read twice by its title.

Mr. ALLISON. I ask that that bill may be taken from the table and proceeded with as soon as the bill now under consideration is disposed of.

Mr. SCOTT. Let it lie on the table.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The bill will lie on the table.

The bill (H. R. No. 3740) to create the Bozman land district in the Territory of Montana was read twice by its title.

Mr. KELLY. I should like to have action on that bill now. The Senate has already passed a similar bill.

Mr. SCOTT. I cannot consent that any bill shall be taken up for action now.

Mr. KELLY. It will not take one minute.

Mr. SCOTT. I cannot consent that any bill shall be taken up for action now, and I hope the Senator will not make the appeal.

Mr. KELLY. Then let the bill lie on the table.

The PRESIDING OFFICER. It will lie on the table for the present.

#### HOUSE BILLS REFERRED

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. No. 2774) for the relief of Edward Cavendy;

A bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street, formerly Charlestown, in connection with the United States navy-yard; and

A bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy.

#### CELEBRATION OF BOSTON TEA PARTY.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives:

*Resolved, (the Senate concurring.)* That the woman's centennial executive committee of the city of Washington have leave to occupy the Rotunda of the Capitol, under the supervision of the Commissioner of Public Buildings and Grounds, upon the afternoon and evening of the 16th of December next, for the purpose of celebrating the destruction of the tea in the harbor of Boston on the night of the 16th of December, 1773.

Mr. SPRAGUE. I hope that resolution will pass. There is no objection to it.

Mr. SCOTT. If there will be no debate upon it, very well.

Mr. WEST. There will be none.

Mr. SCOTT. Very well.

The resolution was adopted.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. No. 533) granting a pension to Uriah W. Briggs;

An act (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases;

An act (S. No. 658) granting a pension to Martin V. Jackson; and

An act (S. No. 876) to amend the law relating to patents, trademarks, and copyrights.

#### AMENDMENTS TO APPROPRIATION BILL.

Mr. CHANDLER, Mr. FLANAGAN, Mr. MERRIMON, and Mr. SPENCER submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HITCHCOCK, from the Committee on the District of Columbia, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN, from the Committee on Finance, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1873; which was referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations.



## ORDER OF BUSINESS.

Mr. SPRAGUE. I desire to appeal to the Senate and ask unanimous consent to permit me at five o'clock to-day to call their attention to bills reported from the Committee on Public Lands.

Mr. BUCKINGHAM. I gave notice yesterday that I would ask the Senate to give the Committee on Indian Affairs a short time to-day, and I thought five o'clock would be the proper hour for them.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The Chair will inform the Senator that there is no motion pending.

Mr. SCOTT. If the Senators are through offering amendments to appropriation bills, I now insist on the regular order. If there are any more of these amendments to be offered, to facilitate business let them be offered, and then I shall insist that the Chair recognize the demand for the regular order.

The PRESIDING OFFICER. House bill No. 2797 having been taken up by a vote is now before the Senate.

Mr. PRATT. I desire to appeal to the Senate that the bill amendatory of the act of February 14, 1871, giving pensions to the soldiers of the war of 1812, which was sent from the House to the Senate on the 17th of March last, and in which so many hundreds, I may say thousands of the widows of those soldiers are interested, may be taken up to-morrow morning after the morning business. I wish to say that I am overwhelmed with applications from all parts of the country, from members of the House of Representatives, from members of this body, to have this bill taken up for consideration. I want to escape the necessity of going to the mad-house. [Laughter.] I want that the responsibility of disposing of this bill shall rest with the Senate, not with me. There is intimation pretty frequent that I am not doing my duty in this matter. I have importuned and begged the Senate from time to time to give this bill a hearing, and I beg, if they have any respect for me, if they desire that I should continue a few years later upon this earth a sane man, that they will give me to-morrow morning after the conclusion of the morning business for the consideration of this bill.

Mr. SCOTT. I call for the regular order.

The PRESIDING OFFICER. House bill No. 2797 is the regular order.

Mr. PRATT. Have I lost my position on the floor?

The PRESIDING OFFICER. The Senator from Indiana is entitled to the floor if he claims it.

Mr. PRATT. I wish the question fairly put to the Senate. I want to press the question whether this bill to which I have referred shall be taken up to-morrow morning after the morning business is through, or if that does not suit the Senate, then to-night at seven o'clock, at nine o'clock, at midnight, at almost any hour the Senate please, we agree to proceed to the consideration of the bill, and I entreat that the Senate will give me some time.

Mr. CONKLING. O, make it daybreak. [Laughter.]

The PRESIDING OFFICER. The Senator from Indiana appeals to the Senate for unanimous consent to consider the bill indicated by him, at the close of the morning hour to-morrow.

Mr. ALLISON. I object.

Mr. PRATT. Then I ask a vote of the Senate on that proposition.

The PRESIDING OFFICER. The motion is not in order.

Mr. SCOTT. I rise to a question of order, that pending the present amendment to the bill before the Senate the Senator from Indiana cannot make that motion.

The PRESIDING OFFICER. The Chair has already so held.

Mr. PRATT. Will the Chair indicate when I can make that motion and be within the rule?

The PRESIDING OFFICER. The Chair does not feel called upon to indicate to the Senator from Indiana when he can make his motion.

Mr. SCOTT. I ask for the reading of the pending amendment.

The PRESIDING OFFICER. The Clerk will read the pending amendment.

Mr. BUCKINGHAM. Is it not in order for me to make a motion that at five o'clock to-day the Senate consider bills reported by the Committee on Indian Affairs?

The PRESIDING OFFICER. The Chair rules that the motion is not in order.

Mr. BUCKINGHAM. I gave notice of this motion yesterday, as I was then told it was out of order but would be in order to-day.

Mr. SCOTT. I rise to a question of order. I have called for the reading of the amendment, the Senator from Connecticut being informed that his motion is not in order.

The PRESIDING OFFICER. The Senator from Connecticut has taken his seat, and the order is that the pending amendment be reported.

Mr. SCOTT. I have called for that, and that is certainly in order.

Mr. SPRAGUE. The Chair recognized the Senator from Rhode Island about five minutes since, and before he had stated his case fully, the Chair gave the floor to some other Senator. The request that I made, and I wish the Chair would put it to the Senate, was that after five o'clock this evening the Senate shall give attention to bills emanating from the Committee on Public Lands. They are of no concern to me personally; I do not care anything about them; but they are reported at the request of Senators and members of Congress from the West, in which they are more interested than in any other class of measures I suppose before the Senate. I make the request at

this time that after five o'clock the Committee on Public Lands may have the unanimous consent of the Senate for one hour.

Mr. SCOTT. I object.

The PRESIDING OFFICER. One objection is sufficient. The Senate has already voted upon the question and ordered this bill which was under consideration yesterday to be taken up. No other motion can be entertained except upon a vote to lay aside this bill and proceed to the consideration of other business. The Clerk will report the pending amendment.

Mr. CHANDLER. Allow me to suggest to the Senator from Rhode Island that he can get unanimous consent after six o'clock this evening, and if he will make the time six o'clock instead of five o'clock no doubt he will get consent.

## CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The PRESIDING OFFICER. The bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, is before the Senate as in Committee of the Whole. The pending amendment will be reported.

The CHIEF CLERK. On page 2 of the bill the Committee on Claims propose to strike out:

To William Bailey, \$45,161.72.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Claims to strike out these words.

Mr. WASHBURN. Mr. President, I should not detain the Senate by any remarks on this question were it not for the fact that the course of the committee in recommending this amendment has been called in question, and I wish in a few words to give the reasons for its action.

The Senate will bear in mind that before the act passed creating the commission which reported upon these several claims none of these claimants could present his claim before Congress or before the Court of Claims. The other branch had passed an act forbidding the presentation of the claims of persons residing in disloyal States. The act creating this commission was passed after due consultation with the representatives of those States concerned in the operations of the commission. After the act was prepared it was submitted to, and the wording of it was in accordance with the desires of, the representatives of those sections. It was provided that it should apply only to the claims of those persons whose loyalty during the entire term of the rebellion was unquestioned. So far as that act is concerned, no matter how loyal a man may have been during nine-tenths of the rebellion, if there was any act of his during the other tenth or during an hour which showed that he was aiding in the least degree the rebellion, he has no claim to be recognized.

Now, the question is has the individual whose claim is proposed to be stricken from the bill any reason to be considered as one of those who were guilty of any disloyal act. Far be it from me to desire to have any claimant here robbed of any just right or title he may have. The Committee on Claims have been criticised for desiring to send this claim back to the commission. I wish to call the attention of the Senate to the condition of this bill. Here are nearly eleven hundred claims in the bill, and of those eleven hundred claims only a little over sixty have been established by the investigations of any committee of this branch. In that examination of about sixty cases three cases have been found which the committee were not satisfied should pass; and from the fact that we are in the last week of the session and that it is impossible for the committee to have an opportunity to examine into these cases fully and determine them, we recommend that the commission, who have all the papers and who have given examination to those several cases before, shall take them up again and examine them with the new evidence which has come to light, and report to Congress what action should be taken.

Now, sir, what do we do if the Senate pass the bill as it has been reported by the committee? You will bear in mind that in 5 per cent. of the cases which have been examined the committee have come to the conclusion that they cannot report favorably. If it is a fair presumption that that is true in regard to the other cases contained in this bill, then if you pass the bill according to the report of the committee you pass some fifty-odd cases which the committee would not agree to if it had time to give them a thorough examination.

But it is said there is not time to examine eleven hundred cases. The Senate must bear in mind that this commission was not established as a court; it was simply a body to examine claims presented on *ex parte* evidence. The Government is not represented there by counsel as it would be before an ordinary judicial tribunal. Accordingly each one of these cases is presented upon and has had simply an *ex parte* hearing, and the only representation on the part of the Government is the same representation that a committee of this body or a committee of the House of Representatives would give in its examination.

So far as I am concerned as one member of this body, I do not believe that any of these claims ought to pass without a thorough examination by the proper committee of each branch of Congress. When this commission was established it was established with the distinct understanding that it was merely to be a preliminary examination, and that its finding was to be reported to Congress, that committees might be appointed in each branch whose business it should be to

examine the commission's reports when they should be presented. The case we have under discussion now is one in which the committee on examination thought there was evidence on which they could not report favorably. They had not time to go into a full examination. They had either to let the matter lie over until the next session of Congress and then take it up when they could, or they had to report in favor of sending it back to the commission, who had examined it once and had all the papers and could consider the case in the light of all the evidence.

But the Senator from California [Mr. SARGENT] says that this commission sent additional evidence to the committee of the House which they had no business to do in reference to this case. Here is a commission established; they heard the evidence *ex parte*, and they reported the claim to the House of Representatives, and it was passed there and came to this branch. Here it was dropped out because the Senate were not satisfied; they had not seen the testimony; it was not sent to them; it went into the files of the House. This was the case at the last session. Then this year the papers being on the files of the House the House acted upon it again. But before it was acted upon again our Government came into possession of the archives of the rebel government in regard to the transactions in cotton in this particular section of the country, and upon an examination of those archives it is found that there was a transaction in which this individual claimant was concerned. Now, I ask the Senate if this commission is faithful to its trust, if it has secured any additional evidence upon any one of these cases which it has reported, is it not its duty to present that evidence to Congress? Suppose one of our committees report a case to this body, and after the case is reported additional evidence comes to their attention either in favor of the claimant or against him, is it not the duty of that committee on that additional evidence, no matter on which side it bears, to bring it to the attention of this body if it be of such a nature as to cause an alteration in their judgment? Most certainly. Our committee in this instance, as we have no time to examine it, propose to let the claim go back to the commission with all the papers and let them examine and decide on the additional testimony which has come to light and report what the conclusion should be.

Mr. President, it has been asked time and again, what evidence is there in this case which the commission did not have when they examined it originally and when they reported upon it? And it has been said that as they had no additional evidence, therefore this claim ought not to be stricken out of the bill and referred back. If that statement be true, most undoubtedly it ought not to be sent back; but there is additional evidence, and that additional evidence is so strong that the Senator from California, if you look to his language yesterday, said that the commission who originally examined the case decided against the claim on the additional evidence. The committee did not understand that to be so, but they understood that the commission reported the additional evidence to Congress for its consideration. But if the Senator from California is correct, then what he asks the Senate to do is to pass this claim with the committee of the Senate opposed to it and with the commission opposed to it also, for the Senator from California says that the commission with this additional evidence stated that the case ought not to pass. Does the Senator from California under that state of circumstances, with the commission against it and with the committee against it, without there having been an examination, wish it to pass?

But, said the Senator, is there not additional evidence? I answer yes. The only evidence in the original testimony on the point now involved was the question put to Mr. Bailey, "Have you committed any act during the rebellion to aid and assist it?" and his answer, "I sold five hundred bales of cotton, but I sold it under duress. I needed money to pay my taxes, and there was an armed force there that threatened to burn my cotton, and if I did not sell it I could not pay my taxes, and if I did not sell it it would be burned." That was the evidence before the commission. If he was forced to do it, if he did it contrary to his will, if he did it under duress, there was nothing disloyal in it, and the commission had his testimony to that effect, and that was all they had. But what are the facts? Five hundred and thirty-six bales of cotton he says he sold in order to obtain money to pay his taxes. I believe an examination will show that the facts are that this transaction took place in the fall of 1862, and that there was no duress in that section of country to compel men to sell cotton during the year 1862. It was subsequent to that time, before any force was brought to bear there, and no evidence can be produced to show that either this man or any other person was forced to sell his cotton to the rebel government at that early date.

But take the other dilemma, if you please, and say that he was forced. Was this a loyal man? Was he throughout that country understood to be a loyal man? I appeal to members who have been in the South and who know the circumstances, if there was an armed force that compels a truly loyal citizen to sell them his cotton, would they have paid him for it? If that state of things existed, they would have taken his cotton, and not have gone to him and made a bargain and paid cash for it. If he was a man who had stood up there as a loyal citizen, a wealthy man, well known throughout that region, and they had come to impress cotton, we know what the history was of that state of things. They went to such a man when they could find him, and he was a rare specimen throughout that broad country; it was rare to find a rich planter with his broad acres who was a truly

loyal man from beginning to end. Where you find such a man, I want to pay him every dollar of his losses, for he is a monument worthy of being recognized in those dark hours of our country's history.

"Ah," asks one member in his remarks, "was selling cotton aiding the rebellion?" Does not every member of this body know that it was not men which the southern cause lacked simply, but if they had had the means to pay their men and to clothe them and to furnish them with the supplies which the North had they would not have surrendered at the early day that they did surrender? The man who went into the service and buckled on his armor and carried his musket and fought for the cause of the rebellion did not help it and lengthen it out as did the man who furnished \$100,000 or more to sustain their cause in that trying hour, for they needed the means more than they needed the man. Yet members get up in the Senate and ask whether, if a person furnished cotton, that was a disloyal act. Sir, the Senator from California wants to know what difference it makes whether he sold his cotton and took money, or whether he sold his cotton and took confederate bonds. The evidence shows that in the first sale he took \$20,000 in confederate bonds and \$18,731.46 in cash. I will tell the gentleman the difference it makes. Here is this man; we will suppose he is an honest, true man; he goes before the commission and under his oath he says, "I sold my cotton to get money to pay my taxes under duress; it was a necessity that was brought upon me." And the evidence shows when you come to look over the record that he took \$20,000 of confederate bonds. Was that a necessity to pay taxes with?

What else? He says he did it under duress to get money to pay his taxes and to pay his hands. He made a sale of \$38,731 worth of cotton on January 1, 1863, two months after. Did he want that money to pay his taxes again? How much? Six hundred and eighty-six bales he sells at that time, and he gets for them \$54,101.64, of which he takes \$24,000 in bonds. What immense taxes this claimant had to pay that he must in two months after the first sale do this!

But the Senator asks, did not all this come out before the commission? Not any of it. These six hundred and eighty-six bales he had forgotten all about. He did recollect that under duress he had sold five hundred, but his memory was so poor that the six hundred and eighty-six bales he had forgotten all about, and he did not refer to them at all.

But the Senator from California says that so difficult was it for a planter to maintain the cause of the Union in that section of country that he was looked upon in such a light that his life was in danger, and he was pointed out as a conspicuous mark of hostility all through that region. That was the language of the Senator from California. I accept it; but when you come to examine the evidence of Mr. Bailey, the question was put to him, "Did you have any trouble with the confederacy?" that is, was he disturbed; and he replied that he did not have any.

My view in reference to this case is that Mr. Bailey previos to the rebellion was undoubtedly a loyal man, as thousands of others throughout the confederacy were, and that he, like many others, when the rebellion was at an end so far as his particular section was concerned and our forces went and took possession, was ready to welcome them back there, and was loyal from that time on; but I cannot believe that he remained always loyal, and maintained all that property and that plantation and suffered no disturbance and had no difficulty. There is not an individual who lives in that section of the country, it seems to me, who can believe that that could be possible.

Gentlemen say this claim must be passed now. If he has been really a true, loyal man, is there any objection to the facts coming to light and all the proof coming out? As I said before, if Mr. Bailey can explain away these circumstances so that he can show that he was a true, loyal man, I would not wish to have him defrauded of one penny. But I feel in regard to this matter that as the claim has not been examined since this additional evidence has come to light, either by a committee of this branch, they not having had time, or by the commission, it is due to justice that it should be sent to some committee or some body for examination.

Mr. CONKLING. May I ask my friend a question for information? He remarked some time ago that in this bill are nearly eleven hundred cases and that but about sixty of them had been examined or could be examined by the Senate Claims Committee. Am I right in that?

Mr. WASHBURN. Yes, sir.

Mr. CONKLING. Then as to the residue of all these cases the committee relies upon the investigation made by the commissioners of claims, and as to these three cases they have information from the commissioners of claims that they themselves are not satisfied in regard to them and that they want further investigation and further opportunity before recommending them. Am I right in that?

Mr. WASHBURN. Not precisely. So far as the commission is concerned, I wish here to state that, so far as my knowledge goes, the commissioners have not interfered with any claim after they have reported it to Congress. They did, after these records were discovered and this additional evidence came to light in regard to Mr. Bailey, send the additional evidence to the House committee without, as I understand, any solicitation; but I do not know that they have said anything in regard to any other claim except as the committee in the examination of a claim, if they found any difficulties, sent to the commission and asked their opinion in reference to it.



But, sir, it was said yesterday by the Senator from California that this commission had decided against the case and therefore it should not be sent back. They decided in favor of the claimant, and the committee thought that they having decided in favor of the claimant it was fair that they should have the case again and decide whether on the additional evidence they would change their former decision. It seemed to me that they were committed on the side of the claimant. They had so decided; they had so reported. But, if in view of the additional evidence which they have communicated they think that that additional evidence decides against the claimant, as the Senator from California said, then you have got to go against the report of the commission and against the report of your committee in deciding to retain this claim in the bill. I do not so understand it, however. I do not understand that they decided it at all, but they did what was their duty—just submitted the additional evidence.

But the Senator says the commission cut down the claim from \$100,000 to \$45,000, and therefore they are not to be trusted. Sir, if that is to be a test, what will you say in regard to this body or in regard to the committees of this body? We had a report from the Committee on Claims a few days ago where the claimant asked for \$140,000 and the committee reported to give him \$5,000, and this body discussed it for some time and said \$5,000 was too much. Why not condemn the Committee on Claims for cutting that down? If the Senator thinks that this claimant has been cut down unjustly and that he is really entitled to more than the \$45,000, why not agree to let his claim go back before the commission where you have your lawyers and your claim-agents and your *ex parte* evidence to get the commission to allow all that is possible and nobody to represent the Government to cut it down? The Senator himself or any person could then go before the commission and say to them, "This case is reopened, you have allowed the claimant but \$45,000; you ought to allow him more." Is there any objection to that if they have cut it down too much? I do not see any objection if this is a fair claim, if it will bear investigation, if the charges can be met, to sending it back for a rehearing.

There is another fact that is somewhat singular in this case which I will call to the attention of the Senate. When you look over the evidence and the papers in this case this fact appears, that a gentleman who was a witness before the commission for Mr. Bailey, who testified for him, and whom he relies more than upon any other witness to prove his case, and who testified not only to the loyalty of Mr. Bailey but to the fact of his property being taken, claimed in his testimony that he had been loyal himself to the cause of the Government of the United States, but when these records came to be discovered and brought forth, this witness, W. W. Withenbury, turns out to have been an agent of the confederate government, acting under McKee, taking the cotton which McKee was purchasing, and transporting it to market and receiving his pay from the confederate government. He testified before this commission that he not only had been loyal and true to the Union cause himself, but he was one of the main witnesses relied upon by Mr. Bailey to prove his loyalty and establish his claim. Will any member of this body assert that this person who was employed by the confederate government in this matter was a Union man? When it came out that this rebel was one of the main witnesses, it seemed to the committee that it threw a shadow over this whole case. If you were a loyal man during the war, and the neighborhood in which you dwelt knew that you were true to the Union in her dark hour, would you take an agent of the rebel government who had done what he could to support it and to overthrow the Union, to prove your loyalty by? Would he be the man that you would bring forward to swear that he not only had been true to the Union himself but that he could vouch for your loyalty?

But, sir, I do not assert, and in joining in this report as a member of the committee I have not asserted, that all this evidence should be taken to condemn Mr. Bailey; I simply ask that Mr. Bailey and the Government shall have a fair chance under this new evidence and all these new documents which have been brought to light. If this commission is not a fair board to send it to, send it to any committee you choose in this branch. If the Committee on Claims has reported against it and you do not wish it to go there, send it to the Judiciary Committee and let Mr. Bailey establish his loyalty during the entire war before that committee or any other committee that may be selected, and if he can do it there is no member who would more freely or more readily vote to pay him than I would.

But when I take into account that the very first cotton which was purchased in this region was purchased by the rebel agent appointed for that specific purpose of this very claimant, and that there were planters all through that region who had cotton; that the agent went to this man's house and made it his domicile; that he was a married man, and married the daughter of the claimant, and was in his family in 1863 as a married man—the day that he was married I know not; but the sale of the great part of this cotton was on January 1, 1863, and as early as the summer of 1863 he was in this claimant's family with his wife; when I take into account that it was not a single transaction as he testified to, but a transaction repeated over and over again to the amount of \$100,000, I do not believe that there is any way in which you can explain his conduct except that during that trying hour and under all the circumstances and surroundings this

claimant felt that he must make his peace with the confederacy for a period of time at least.

I do not propose to occupy any more time upon this question. I have no feeling in reference to it excepting this: I know when the bill was drawn up under which this commission was organized it was drawn up with the understanding that there were some people in the South—it was said the number was very few—who had given their lives to the Union cause and who had suffered and been persecuted and stripped of their property on that account, and that this Government could afford to make exceptions of that class of citizens. No allusion was made to the great and wealthy planter, but I recollect very well that instances were brought forward where a man's sons in certain portions of the South had enlisted in the Union Army, and it was said that after those sons had left their homes and joined the Union forces the Union Army even had taken what little had been left to support their families, and it was said that those cases ought to be recognized. Accordingly the bill was drawn very carefully that whoever received aid or recompense from this Government through this commission should prove clearly that at no period during the entire rebellion he had given any aid or encouragement or strength to that cause. Now, sir, I cannot feel that this is one of those cases. I believe I owe it to the Government, I owe it to those who will be taxed to pay these bills, to see that any man around whose history there is so much doubt as this record throws around this man's history, shall not be paid until there has been a full examination. When this commission was established it was said "we do not expect these claims will be paid at once." The very claimants that pressed your committees to pass upon these claims day by day said, "We do not ask that they be paid to-day, but give us a commission in order that the evidence may be filed and that we may know there is a time when we are to present our cases and prove them." This commission composed of three members pass *ex parte* upon eleven hundred claims in a year and then they go through here without their being, with the exception of about sixty, pass upon by any committee of the Senate. I say it is a most generous act if you do that. But if in addition to that you override the report of your Committee on Claims and override the report of the commission also in regard to a claim, it is taking a long stride in regard to a matter of this kind as it seems to me, and I hope the Senate will not do it. I hope this claim will be investigated; and if this is a truly loyal man give him his pay. If the amount the commission has allowed him is not what is his due, give him more. If he is really and honestly entitled to more let him have it; but if he was a support to the rebel cause do not bring him in under this bill.

If the time ever is to come—and I hope it never will—when those who did give aid to the rebellion are to receive assistance from this Government and their claims are to come in, let it not be done until you repeal the act which cuts them off; let it not be done under this act which forbids any such claimant to receive any aid or assistance from the Government. You cannot say that this case has been examined, because there is new evidence and there are new documents which neither our committee nor the commission have had an opportunity to investigate. "Ah!" but it is said, "it is necessary that it should be passed at once." Never has there been a bad claim but it has been necessary that it be rushed through in the speediest possible manner. I recollect perfectly well when the celebrated Sue Murphey case was up, that it passed through this branch twice and was rejected twice in the other branch, and the third time the application was made and it was said that it was important it should pass at once, that it could not be delayed any longer. A bad case cannot afford to be delayed. A true and honest case which will bear investigation may be delayed and investigated, and the party owes it to himself, if he has been true, to have a full investigation and let the country understand that he has been misrepresented and that he has been a true and loyal citizen from the beginning to the end of the contest.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3745) to remove the disabilities of James Howard, of Baltimore, Maryland;

A bill (H. R. No. 3747) to amend the act entitled "An act for the erection of a public building for the use of the United States in Covington, Kentucky;" and

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

#### PUBLIC BUILDINGS AT BROOKLYN.

Mr. CONKLING. I venture, notwithstanding the objection of my friend from Pennsylvania, as I shall be compelled to leave the Senate before the day is over, to ask permission to do a mere formal thing, which is to concur in a House bill just received simply directing the Secretary of the Treasury to make and answer an inquiry, and I hope my friend will not object. It will take but a single moment.

Mr. SCOTT. Unless I can be assured that it leads to no other request—

Mr. CONKLING. If it leads to anything else I shall withdraw my request.

Mr. SCOTT. Has it been to a committee here?

Mr. CONKLING. It is a House bill, and if the Senator will hear it read he will see that it does not need to go to any committee; it is a mere inquiry.

By unanimous consent, the bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity of a public building at Brooklyn, New York, and the cost of the same, was read three times, and passed.

#### CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. STEWART. Mr. President, I voted in favor of establishing this commission. I believed that it was a very desirable thing to do. We should have had claims amounting to an enormous sum of money pressed upon Congress in a very irregular manner which could not have been investigated if this commission had not been organized. I believe in the main they have discharged their duties faithfully, and they should be commended. When we passed the act creating the commission it was provided, and it was done after discussion, that these claims should again be brought before Congress for their approval. What was the object in view? It was to see whether new facts might not be developed, that improper claims should not go through. This investigation relieved your Committee on Claims from a vast amount of duty they could not have performed. After the committee have looked over this work and suggested that there are claims here which should go back for further examination it seems to me that the rule should be followed. We should follow our committee in this regard. It may be necessary to extend the time for the commission; but whatever we do, it seems to me a very regular and safe course to follow the committee and let such claims as they say ought to be reinvestigated be reinvestigated, because to think of discussing the merits of particular claims in the Senate is impossible. We cannot determine these cases. We might do great injustice for or against particular claimants. I think it is best to follow the committee and the commission, and then we shall not do any great outrage to our constituents. I hope the recommendation of the committee will be followed without forcing us into the investigation of particular cases, which they say should be further investigated by the commission.

Mr. MORRILL, of Maine. My attention had been called to this general proposition, so that I had examined the leading features of it, and having some impressions on the subject I am impelled to state them.

I agree with my honorable friend from Massachusetts [Mr. WASHBURN] that the utmost diligence of inquiry should be made into the examination of all this class of claims. I agree with him that the rule of evidence is inflexible, that the party must be loyal in order to be entitled to remedy in this forum. But, glancing at the principal facts in this case, it occurs to me that the real question here is not so much the merits of this claim as the status of the individual. In fact it all turns on that. As I have listened—as I always do with great pleasure—to the honorable Senator from Pennsylvania, [Mr. SCOTT,] who reported the bill, it is a question of the status of this individual: was he loyal or was he not? There are certain conceded facts, as I understand, in the case. I am not going to argue the proposition at all. I rise simply to state, as I have only glanced at the case, the impressions upon my own mind from the conceded and incontrovertible facts before us.

In the first place it is incontrovertible, as I gather from all the papers in the case, that this man was reputed throughout the confederacy to be a Union man, was treated as a Union man, and put into prison on that account during the war. That is so stated.

Mr. SCOTT. That is a mistake.

Mr. MORRILL, of Maine. That may be or may not. I am only looking at the case as it comes to me in the papers.

Mr. SCOTT. If the Senator means the papers in evidence, that is a mistake.

Mr. MORRILL, of Maine. No; I mean that statement was made in the House of Representatives by the chairman or a member of the Committee on Claims, and as it was not contradicted I supposed it might be assumed.

Mr. SCOTT. I will state to the honorable Senator that that is a mistake of fact. I have read every word of the testimony of General Bailey himself, taken before the commissioners of claims, and he stated in answer to their questions that he never was molested by the rebels.

Mr. MORRILL, of Maine. If the Senator will look at the proceedings in the House he will find that Mr. HAZELTON, the chairman or a member of the Committee on Claims, in summing up, stated that as a fact, and it was not controverted. That this man therefore had a reputation throughout that country as a Union man I think it reasonable to conclude from the papers in the case.

How did he stand on our side? That was his reputation on our

side as yet, from the statement of General Sherman, General Banks, General Howard, and sundry other generals whom I do not stop to name. They went so far as to trust this man within our lines with a permit to travel within our lines. That seems to have been the general reputation of this man. Now you come down to the examination of the question before the commission to see how it stood there. One of the first questions, of course, which the commission were to satisfy themselves about was his loyalty. I am not going into the merits of the case, for so far as we are concerned at the present time that does not seem to be the burden. It is the status, I repeat, of the individual himself with which we are concerned. Was that examined by the court? Was that an issue before the court and was it examined? Certainly it was. Let me read now what the commission say upon that subject:

William Bailey is a native of Virginia; is seventy-one years of age; was the owner of a large plantation near Alexandria, on the Red River, embracing over fifteen hundred acres; the chief product was cotton; when the war broke out he was residing on this plantation. After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war.

That is the finding of this court. That is the finding of a court of our own selection. After the most thorough and searching examination they find that this man was a consistent and constant Union man during the entire war. It is said by my honorable friend that there has been a fact discovered since which throws great light on this subject, which was not then in issue before this court, and which he thinks is a very significant fact and which I agree with him unexplained would be a significant fact. What is that fact? It is that this man had sold cotton to the rebel government. If you look at the papers, Mr. President, you will see that that precise issue was before the court. The court knew that. The court knew that this man was dealing in cotton with the confederate authorities. They took cognizance of that fact, and they investigated that fact thoroughly. They sent, as the case finds, an agent or agents into that country to investigate that fact; and notwithstanding that fact, notwithstanding they knew that he had been dealing in cotton, that he had sold five hundred bales of cotton, yet they did not hold that that was absolutely inconsistent with the idea that after all, at heart and really, he was and might consistently be a Union man. I do not go into the reasoning on the subject at all; I only allude to these principal facts as affecting the single question which my honorable friend alleges here should be conclusive.

Mr. WASHBURN. Did the Senator hear me? I stated very plainly that so far as that evidence was concerned it was understood that he had sold the cotton under duress; and if it was done under duress their decision was correct; but they then knew nothing about the subsequent transaction, they knew nothing about the circumstance that the principal witness relied upon to establish his loyalty at the time, and who swore that he had been loyal, himself was a rebel and a supporter of the rebel cause. What I stated was that where a man sold his cotton under duress, as they supposed in the first examination this man had done, it was not evidence of disloyalty; but it is the subsequent acts and the newly discovered testimony, none of which was before the commission originally, that throw doubt upon the case.

Mr. MORRILL, of Maine. Undoubtedly; and I was about to explain, if my honorable friend had not anticipated me, that the reason the court deemed it consistent to find loyalty with knowledge of the fact that he had been dealing in cotton, was that they found that it was not a voluntary act on his part. They could not have found it in any other way. Now the question arises, if that did not make him disloyal in the estimation of this court, would another act, which would be liable to the same explanation as my honorable friend will agree and as the chairman of the committee undoubtedly will agree, make him so?

Then, Mr. President, looking at all these facts, the case comes simply to this, as I conclude, and it leaves this impression on my mind: having established a court of our own creation and having limited its jurisdiction and having prescribed the rules of evidence upon which it shall admit parties to contest or to prove their cases, the court having settled that this man had a claim and that he was in a condition to present it, on the evidence here it is simply a question of probable cause. Is there probable cause now to suspect that this man was disloyal contrary to the finding of the court, who investigated precisely the point upon which it is suggested that the case ought to go back for further examination? I submit that if this were a proceeding in a court of law it would be precisely a case of newly discovered evidence tending to raise a probable presumption that the verdict or the judgment was wrong, and that it would have been otherwise if this evidence had been in the case. That my honorable friend thinks it would be so is undoubtedly clear, or at least he has a suspicion that it would be so; whether his judgment is clear that it would be so or not I do not know, but he has a belief that certainly it ought to be examined into.

But, Mr. President, it should be remembered that this case has been before the House of Representatives since, and it should be remembered also that at a former session this same question was before the Senate and the claim was stricken out of the bill on a suspicion, and the only result of it is what is produced here. There has been no examination into the case, as I understand, on the part of the Government to elicit



the fact of this man's disloyalty. The same question being before the House of Representatives again this winter, the suggestion has come to the House of Representatives which has come to us from this court, that there has been cumulative testimony upon a point which was examined by that court. The House of Representatives have considered it, and it will be seen that from the fact that the House of Representatives have sent it here for our examination they at least have not attached the same importance to this cumulative evidence which my honorable friend from Massachusetts and the chairman of the Committee on Claims seem to have done.

Therefore, Mr. President, I am disposed to regard it simply as a question of probable cause. Do these additional facts show to our satisfaction or render it probable in view of all the facts that this man was a disloyal man? If he was, then I agree that this case ought to be recommitted to the commission. Otherwise I hardly see the necessity for it, because of course there should be an end of this litigation.

Mr. SCOTT. Before the Senator takes his seat, I know his sense of justice so well that I wish to call his attention to what the facts were upon which loyalty was found. Loyalty was found by the commissioners upon the testimony of General Bailey himself; of T. S. Walker, who was an assistant adjutant-general upon General Emory's staff, and knew nothing of General Bailey until he went there in 1864 with the Army; and of Mr. Withenbury, who was his agent on the plantation, and he swore to his loyalty, and yet he was in the employment of the confederate agent for the purchase of cotton! These were the only three witnesses examined before the commissioners of claims, and it was on that testimony that the loyalty was found. The other facts, the number of bales that were sold, the time of sale, the correspondence between Mr. McKee and Rhorer about the bonds, and all these other facts, came out after that finding upon the testimony of these three witnesses. I simply wish to get these facts before the Senator's mind when he comes to view the question whether they bear upon that finding of the commissioners.

Mr. MORRILL, of Maine. I take occasion to say in the beginning that I had not looked at the evidence, but I had glanced at certain principal facts which seemed to be taken for granted; and the main fact upon which I relied, or which made the deepest impression on my mind, was a fact which is certified to in the judgment of the court. Let me read it and see whether such a judgment as that, such emphasis of language, such conspicuousness and force of language, could be applied upon evidence such as is cited here:

After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war.

As I was corrected on another point about the imprisonment, I will read from the remarks of Mr. HAZELTON in the other House:

I will say further, before taking my seat, not only did he exhibit the ordinary tokens and evidences of loyalty to the Government, but he was absolutely arrested and cast into prison by the confederate authorities on account of his loyalty. He was treated as a loyal man all the way through the war by the confederates, and recognized as a loyal man by every general of the Federal armies having control in that region of country, and after a thorough investigation was adjudged to be loyal by the commissioners of the southern claims commission. It seems to me that there is no room for a doubt, or the possibility of the shadow of a doubt, of his acknowledged and genuine loyalty and devotion to the Government.

I knew I had seen the statement somewhere, although I said in the beginning that I had not analyzed the evidence in this case; I simply glanced at what I understood to be the leading and principal facts which I understood to be uncontroverted.

Mr. SCOTT. As this alleged and asserted fact has evidently made a deep impression on the mind of the Senator from Maine, I will ask leave to read a portion of General Bailey's testimony, on page 4 of the written testimony:

Question. Were you ever arrested by the confederates?

Answer. I was not; but I was threatened with arrest.

He never was arrested, never was imprisoned.

Mr. CONKLING. Mr. President, it has recently pleased some author to entitle his book "Drifting." That is not extraordinary; and yet considering that that book was written and the title bestowed upon it before hearing the speech of the honorable Senator from Maine, I think more genius was evidenced in the selection of the title than could be proved by anybody that should select it after hearing the somewhat remarkable speech which has fallen from my honorable friend. He concludes it by violating the rules of the Senate in reading from the debate which took place in the other House; and the Senator from Pennsylvania, as wholesome comment upon it, shows how useful the rule is. Some gentleman in the other House made an assertion, it seems, unfounded in evidence, and expressly disproved by the claimant himself. My honorable friend from Maine reads that, and then the Senator from Pennsylvania, turning to what is before us, takes up the testimony of the claimant himself and shows that he under oath declares that he never was cast into prison. That is wholesome comment upon the fact, it is wholesome illustration of the wisdom of that rule which says that the sayings in one House shall not be brought into another and especially to influence the doings of that House into which they are brought. This, however, is a trivial circumstance; and it was not to comment on it that I rose.

The Senator from Maine several times refers to the claims commission as a court, and actually proposes to say that we shall vote to

pay a large sum of money from the Treasury and establish a precedent, in so far as it may be a precedent, because the claims commission has once expressed an opinion on this subject. Notwithstanding the fact of newly discovered evidence, notwithstanding the recall and reversal of that judgment as the Senator from Maine would make it, he proposes that, proceeding upon the original saying of the claims commission, we shall treat that saying as the finding of a court—such were his expressions—and shall proceed to pay the money unless, as he says, we can find probable cause to suppose that the court has fallen into error.

Mr. President, it must be within the fresh recollection of the Senator from Maine, for hardly three years have rolled between then and now, that there came into the Senate a proposition, explained carefully at the time, to create the so-called claims commission. That proposed legislation encountered active opposition. The most thorough opposition it received was drawn by way of forecast and prediction that the time would come when some such claim would be set up as to the function and authority of the commission as the honorable Senator from Maine has to-day propounded. It was insisted that, passing beyond its original intention, it would in a short time come to be regarded as a court or a quasi court, a tribunal to decide, and that we should be in some sense bound, or estopped, or concluded—all these words I think will be found in the debate—by the doings of this proposed commission. That argument, that apprehended danger was scouted by the advocates of the claims commission. It was vehemently disclaimed by many Senators, some of whom remain, some of whom are gone. The debate, I think, will show that in support of the proposed commission it was, as far as parliamentary rule and courtesy would permit, charged as unfair, as unreasonable, as disingenuous to pretend that there was danger that it would ever afterward be insisted, as my honorable friend from Maine has to-day insisted in respect of the power, the function, the nature, and the authority of the claims commission and its acts.

What was the ground on which the commission was planted? It was said that the tooth of time would eat away fresh and unmistakable evidence and proof; that when the dust of years should cover them, when the actors in the drama which had just passed by had gone, when their heirs and assignees and representatives, when adventurers, and claim agents should occupy the ground, many claims would be exhumed and presented to us fabricated or exaggerated; and therefore as a stitch in time, which might save nine, as an anchor cast in season, as a bond taken of fate in advance, it was wise and provident for the ministers and trustees of the public and of the Treasury to make record of the truth while yet the truth was fresh, in lawyers' phrase to perpetuate the testimony, to take view and inquisition in season and in advance in order to close the door against the exaggerations, the frauds, the fictitious claims with which otherwise we might hereafter be inundated and which in the chances and changes of political fortune might by some congressional majority and some administration be favorably entertained. Such were the arguments of safety, of provident security against a possible future, which carried the legislation establishing the commission of claims.

It was said in every form that the opinions they expressed were to have none of the attributes of the judgment of a court; that they were to bind no one; that no right was to ensue in consequence of what they might say or do; but that as an instrumentality of the Government they were to occupy themselves in ascertaining and making record of facts to be used on all future occasions and in all proceedings when these facts might be of use. I think every Senator who hears me and who participated in the discussion and the proceeding to which I refer, will confirm my recollection and I feel confident the record also will bear me out.

That was three short years ago; but now what do we see? Yesterday was taken up in the Senate a bill covering sixty-six quarto pages, containing nearly eleven hundred southern claims, and appropriating money to pay them, only sixty of which the Senator from Massachusetts tells us have been or could be investigated by any committee of this body; and without even reading the bill, without its undergoing the formal process of stereotyped parliamentary proceeding, the Senate turned to three amendments and confined its attention to those. As to the rest of this bill, appropriating I know not how much money—the total has been stated I believe and if it has been I will borrow it from my friend from Pennsylvania—

Mr. SCOTT. A little over \$600,000.

Mr. CONKLING. A little over \$600,000. That fraction of a million dollars which before we had become used to vast sums told largely in any national account, \$600,000, was accepted virtually by the Senate as a matter of course, it not being deemed worth while to read the bill or the items, and that because the claims to be satisfied by the money had received the expression of a favorable opinion from this same commission of claims—a commission, I repeat, established under the assurances that nothing it could say was to operate as a judgment, nothing it could do was to bind Government or people, and specifically that no money was to be taken from the Treasury in consequence of any opinion or any views the commission might express.

I said, Mr. President, something when I commenced about "drifting," and I submit that considering that the span of time is so narrow the Senate has drifted rather rapidly in three years. To prove that, however, I have more abundant evidence than that to which thus far I have adverted.

In this bill is found a claim of General Bailey. It is not my fortune to know General Bailey. It would be superfluous to disclaim any feeling of hostility or ill-will. I see his name as a mere sign, and I comment upon his case as if it were, as it is I think in respect of us, a matter wholly impersonal to every Senator. He claims a large sum of money. Upon that claim the commission express an opinion which has been read with iterated emphasis. The Senator from Maine [Mr. MORRILL] read it; the Senator from Louisiana [Mr. WEST] read it yesterday; the Senator from California [Mr. SARGENT] read it. It is an indispensable part of every argument in favor of the claimant. Having expressed that opinion, which I deem it unnecessary to repeat, the same commission, which the Senator from Maine now styles a court, proceeding upon that ground which can never be answered in any court where justice is administered so far as I know, the ground of newly discovered evidence; not cumulative; not evidence in degree merely and therefore of the kind in the presence of which courts have refused a new trial; but upon newly discovered evidence in that sense which summons every tribunal to allow a rehearing—the commission, not officiously, not blamably, not as volunteers, but in the performance of a conscientious and of a sworn duty, address to the chairman of the Committee on War Claims in the House of Representatives a communication, which communication recalls, retracts, and unsays that expression, here treated by some Senators as a judgment upon which it is proposed we shall go forward as trustees and pay away this sum of trust money.

Is not that very extraordinary, Mr. President, regardless of the merits of this particular case? Suppose the claims commission to be a court, as is insisted; suppose it to be a *quasi* court; suppose it to be a mere committee; suppose it to perform any of the functions and to possess any of the attributes which may be attributed to it; is it not remarkable that a parliamentary body, or any other body, should proceed to pay out a large sum of trust funds belonging to others upon the judgment or statement of a court, committee, or tribunal, after that statement has been retracted upon the ground that since it was made newly discovered evidence has been brought to light, in the face of which those who rendered the judgment or made the statement feel bound to bring it to attention and withdraw what has been said? Would not that, I submit to my honorable friend from Maine, be remarkable, regardless of the merits and without looking into the merits? If the honorable Senator from Maine will treat this as *res nova*, if he will go back and examine it from the beginning without reference to the commission of claims, he will avoid in whole or in part my present suggestion. But is it not, I submit to him, remarkable to plant himself upon the saying of the commissioners of claims when we have a notice served on us that they withdraw that statement and have discovered evidence since in the presence of which they never would have made it? Let me read the last statement from the commissioners of claims, signed by every one of them, and dated so lately as the 26th of March, 1874:

OFFICE OF THE COMMISSIONERS OF CLAIMS,  
Washington, D. C., March 26, 1874.

DEAR SIR: The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 980, show facts which we deem it our duty to report to your committee. The case having been reported by us to Congress, we do not feel at liberty to make any further investigation of it unless specially directed by that body to do so.

It clearly appears that General Bailey sold to the confederate government on the 14th of November, 1862, five hundred and thirty-six bales of cotton. His son-in-law, Andrew W. McKee, had been appointed by the confederate government, namely, in October, 1862, general agent for the purchase of cotton in Western Louisiana and Texas. The first sale made was by General Bailey, November 14, 1862. This five hundred and thirty-six bales of cotton was no part of the eight hundred and thirty-four bales litigated in the United States district court for the eastern district of Louisiana in 1864. It may be, perhaps, the cotton referred to by General Bailey, (see his testimony before the commissioners of claims of November 14, 1871, page 5.) in his answers, as follows:

"Question. Did you contribute anything to aid the confederate cause?"

"Answer. Never, one farthing, neither directly nor indirectly.

"Q. Did not you have to pay tithes?"

"A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there."

He subsequently tells of an armed force coming out to burn his cotton; of his telling them he would sell it, &c. The statement is confused and inconsistent, the date uncertain, but might be November, 1862; and if the young man, the agent, was his son-in-law, it may identify the transaction, but will make the story of duress or an armed force very improbable.

It would seem to be clearly established by the papers now obtained that General Bailey, on the 14th of November, 1862, sold voluntarily—

Not under duress—and if I can have the attention of the honorable Senator from Maine I beg his attention to this point—not under duress, but in the language of these commissioners, "sold voluntarily."

My honorable friend from Maine said that the only way the commission in the first place satisfied the law and their conscience in saying what they did favorable to this claim was that his acts had taken place under duress. Here comes an after-statement from the same commission saying:

It would seem to be clearly established by the papers now obtained that General Bailey on the 14th of November, 1862, sold voluntarily five hundred and thirty-six bales of cotton to the confederate government; that he was the first leading planter to sell his cotton; and that his son-in-law was the confederate agent who bought it.

Mr. President; although I do not mean to discuss this matter long or to discuss the merits at all, I call attention to the fact not only that the tribunal has reversed its first expression, by whatever name it should be called, but states as matter of fact that the very thing

upon which it relied in its first expression turns out to be an error, and that the contrary is true.

Yesterday when the Senator from California was on the floor, he or some other Senator told us that Mr. McKee, who appears to be a son-in-law of the claimant, was not his son-in-law at this time; that he was upon very bad terms with him; that he was hostile to him. Since yesterday I have seen a letter—and I ask the Senator from Pennsylvania to correct me if I am wrong—a letter written by Mr. McKee himself in August, 1863, saying that he will be at a particular place at a time named, and saying that his wife will accompany him. That was in August, 1863, was it not?

Mr. SCOTT. August, 1863.

Mr. CONKLING. I think there can be little mistake about the fact, then, that in August, 1863, Mr. McKee was the son-in-law of this claimant.

Mr. WEST. But he might have been on very bad terms with him in 1862.

Mr. CONKLING. The Senator from Louisiana, who is deeply read in the book of human nature, says to me that he might have been on very bad terms with him in 1862. Yes, Mr. President, he might have been; but considering that the first sale of cotton that we hear of took place in the middle of November, 1862, within six weeks of the end of that year, and considering that in August, 1863, this gentleman had been married for some time—it does not appear how long, but anybody who reads the letter will see that he was not on his wedding tour, and was then a settled, married man, according to that letter, as far as you can infer anything about it—and considering also that some intimacy of acquaintance usually precedes marriage, I think it will be a little difficult for the Senator to find any period of time during this little interval which will uphold a notion that Mr. McKee and General Bailey were enemies during all these transactions which commenced in the middle of November, 1862, and extended from that time on. That would be so remarkable if it were true that I should want this case referred back for a rehearing on that question alone.

Let me go a little further.

It further appears from the "day-book" of the cotton agency in the custody of the Secretary of the Treasury, (to which our attention has recently been called,) that A. W. McKee, as confederate agent, bought of William Bailey, November 14, 1862, five hundred and thirty-six bales of cotton, and paid him therefor, in confederate bonds, \$20,000, and in notes, \$18,731.44, making a total of \$38,731.44; also that on the 1st of January, 1863, McKee bought of Bailey six hundred and eighty bales of cotton, and paid him in bonds \$24,100, and in notes \$30,001.64; making \$54,101.64.

This, the Senate will see, brings it a good deal nearer. There was a transaction in January, 1863, and we find that in August, 1863, at all events, Mr. McKee had then for some time been married to the daughter of General Bailey.

Now, Mr. President, if this case has no better foundation to rest upon than the allegation pertaining to that narrow neck of time, that isthmus between January and August, when this confederate agent was the son-in-law of the claimant and had been for some time, that during that narrow isthmus of time a war was raging between the claimant and his son-in-law, I suggest the foundation is very narrow considering the dimensions of the claim.

But it was not my purpose to prove, I am not familiar enough with the case to attempt to prove, that the merits are one way or the other. My purpose is to expostulate against such an act as the Senate will commit if at the end of three years after establishing this commission, with every declaration that its statement was not to be a judgment, that it could make no decision, that it could bind nobody, we are first to accept blindly any expression made by the commission; that then when they send us notice tantamount to saying that in this particular case they have made a mistake owing to the want of evidence, and that they deem it their duty to call attention to the fact that newly discovered evidence disproves the very supposition on which they rested their opinion, namely, that these sales had taken place under duress, whereas it turns out that they were voluntary; and as the Senator from Massachusetts well said, the acceptance of bonds for cotton explodes utterly the idea that this was a sale with the wolf at the door, because necessity knew no law, to obtain the wherewithal to render up immediate taxes that were instantly due—I say my purpose is to expostulate against going back to a judgment, if judgment it is to be called, virtually retracted, withdrawn, and set aside by the tribunal which rendered it, and that upon evidence not merely newly discovered, but newly discovered in the technical sense in which a new trial would be awarded in any court in which justice is meted out, and particularly in an instance where the facts themselves are so provocative of suspicion as they are here, and thus substantially reversing and obliterating the whole design and idea with which the commission was created, and saying not only that we will pay blindly upon an expression of favorable opinion by the commission, but that we will pay without any examination by a committee of our own; and finally, to cap the climax, when the committee is able to examine sixty cases, passes fifty-seven of them, and comes in saying "as to these three a mistake has been made, that is our opinion, and not only our opinion, but here is the claims commission itself saying so," that we shall go on and override all that in the hot haste we make to render out of moneys not our own an equivalent for southern war claims.

Mr. President, I have at all times not only confidence, but great and



unfeigned confidence, in any judgment expressed by the honorable Senator from Maine, [Mr. MORRILL,] and I may say, without dealing in parliamentary compliment, that I am very careful and reluctant ever to differ with him; but I know well in my own case the immense effort which for some reason has been made in respect of this particular claim. I know that most plausible and convincing statements have been brought to me orally and sent to me in writing; I received a fresh one this morning; and indeed candor compels me to say that so urgent have been the appeals, taken in connection with the allegations contained in them, that my misgivings were somewhat aroused about this matter before I heard its merits discussed; and knowing as I do the appeals which have been made in the name of humanity and in the name of generosity, I cannot but think that if the honorable Senator from Maine would sit down and look over these papers, even as far as I have looked them over, which I admit is not very far, in place of relying upon statements made in the House of Representatives, which it turns out were made in error, he would modify somewhat the judgment which he gave to us, upon which, if we follow it, we are in this case, to be sure, to pay but a single claim, but I fear to set an example as to the responsibilities which we take from the claims commission and from the committee of this body whose business it is to explore affairs of this sort and in other respects involved in this legislation, which will come home to plague us and to plague those who come after us, when perhaps my honorable friend from Maine and others not as wise and conscientious as he may not be here, familiar with all this history and able with the same safety to dispense with those rules which we have laid down and to which I humbly conceive we must adhere or we shall drift and drift still further in this regard.

I wish to add a single remark. I omitted to say, indeed I did not know one thing which as a fact I think ought to be contributed to this debate. It has been alleged that McKee, this agent, was upon bad terms with his father-in-law, or with General Bailey. I am informed now by a member of the committee that the evidence shows that he, as the agent of the Confederate States, in purchasing this cotton from General Bailey, paid to him two cents a pound more than the price which he paid to others; and I state it as bearing upon the question of duress and also as bearing upon this furious internecine war which we are asked to believe was raging at the same time between the claimant and his son-in-law.

#### THE CURRENCY—FREE BANKING.

Mr. WRIGHT. I ask leave now to submit a report from the committee of conference on the currency bill. I do not ask its consideration at this time unless there be unanimous consent, but I ask that it be read and printed.

Mr. MORRILL, of Maine. I suggest that it lie on the table and be printed.

Mr. MORTON. I hope it will be read.

Mr. WRIGHT. Let it be read.

The report was read, as follows:

The second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same, with an amendment, as follows: Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption in sums of \$1,000 or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of \$500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks, worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer; *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than \$9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below \$50,000.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of \$382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

SEC. 7. That so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of \$54,000,000 shall be withdrawn, to make requisitions upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 8. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be an excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.

SEC. 9. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes, without delay, as applications therefor are made, not to exceed the sum of \$55,000,000, to associations organized, or to be organized, in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870; and every association hereafter organized shall be subject to, and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act": *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed \$55,000,000, and that such circulation shall be withdrawn and redeemed as it shall be necessary to supply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more than \$30,000,000 shall be withdrawn and redeemed as contemplated during the fiscal year ending June 30, 1875.

And that the title be amended so as to read as follows:

An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes.

GEO. G. WRIGHT,  
T. W. FERRY,  
J. W. STEVENSON,  
*Managers on the part of the Senate.*  
H. L. DAWES,  
GEO. W. MCCRARY,  
S. S. MARSHALL,  
*Managers on the part of the House.*

Mr. WRIGHT. I only desire to say that that report has the concurrence of every member of the committee of both Houses. I move that the report be printed. I do not ask for its consideration at this time, of course, but give notice that I shall seek to call it up to-morrow morning immediately on the expiration of the morning hour.

Mr. CONKLING. Does the Senator say that the report is signed by every member of the committee in each House?

Mr. WRIGHT. Yes, sir; it is.

The PRESIDENT *pro tempore*. The report will be laid on the table and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds; and  
A bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties.

The message also announced that the House had passed a bill (H. R. No. 3479) in relation to parties in the Court of Claims; in which it requested the concurrence of the Senate.

## CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. MORRILL, of Maine. I simply wish to say a word or two in reply to the Senator from New York. When I rose to address the Senate a while ago I thought I should commend myself to the Senate at least for my modesty, if not for the soundness of the suggestions that I made. It certainly was in no self-confident spirit; and if I should so far forget myself as to talk about "my judgment" and "the judgment of a court" in the sense which should take the Senate off their feet and arrest their judgments and force them to a conclusion of mind without due opportunity for reason on their part, I should be very sorry for it. That is all I can say.

Mr. CONKLING. The Senator did not say anything about his judgment.

Mr. MORRILL, of Maine. No; but my honorable friend in concluding referred to the Senator from Maine having formed a judgment which he was very apprehensive of.

Mr. CONKLING. That may be; but the judgment which I spoke of was the name which the Senator bestowed upon the statement.

Mr. MORRILL, of Maine. I do not misunderstand my honorable friend, nor will I misrepresent him. Now as to the sense in which I talked of a judgment, I said distinctly that I likened it unto a judgment, and it was only by way of illustration that I called it a judgment, as my honorable friend, if he had been sufficiently attentive, would have seen. I knew this commission was not a court, and yet I knew very well that we invested it with the prerogatives of a court to a general intent. It is a commission, but its functions are judicial. It has a right to examine testimony, swear witnesses, make a conclusion. That is all I said or ventured to say. I said in concluding that I likened this proceeding to one that had been *res adjudicata*, and that there was an attempt to reopen it, and on that I held that there should not be suspicion merely, but probable cause.

Mr. President, I said in the beginning that I had not examined this question in detail; that I had only looked at certain principal facts; and from those principal facts I was not satisfied at all, the burden of proof being that way, of the necessity of returning this case to the commission again. That is all I said; that is all I say now; but after all my honorable friend from New York has said and after all the references he has made to the supplementary report of the commission, as he is disposed to regard it, I am not at all shaken in the impression with which I started out.

Let us look at this case for a moment. I do not care to repeat myself, but I insist upon it that these men did undertake to judge of this claim as a court. Call it a commission or whatever you please, they did undertake to examine this man's claim, and they either went out of their way or in their way. As an honest court, in the performance of a high duty, they did ascertain an important fact, and they use very emphatic and very strong language. They say they have made a very thorough examination into the identical question now before us, and in concluding, as if they intended to pile up this question and emphasize this man's loyalty, after having said that they had taken particular pains on that subject, they say—I am now speaking of what was their decision, not to call it a judgment:

The cases of loyalty among the large landed proprietors of the South were so very rare, that were felt it to be our duty to investigate this case thoroughly—

And having investigated it thoroughly what did they say—

And after doing so we feel fully justified in reporting this claimant as loyal.

Have they ever taken that back?

Mr. CONKLING. What is the date of that?

Mr. MORRILL, of Maine. There is no date to it, but it is whatever date the judgment or decision was. I do not know what that was. Have they ever taken that back?

Mr. CONKLING. Expressly.

Mr. MORRILL, of Maine. Never.

Mr. CONKLING. May I read to the Senator?

Mr. MORRILL, of Maine. No; not now.

Mr. CONKLING. I say they have taken it back in terms.

Mr. MORRILL, of Maine. I insist they have never taken it back. In the first place, they have never re-examined it. It is not competent for them to take it back. They say in the beginning of the paper which has been read that they cannot re-examine it, and for that reason they make an unofficial statement. I do not set the one off against the other by any means, nor can it be done by either law or logic. One is in court, one is in the exercise of an official position; one is affirming solemnly in court or in the exercise of their official functions, the other is extra-official, not to say extra-judicial. But that is not the worst of it. They flatly contradict themselves. They flatly show that either judicially they were careless, indifferent, heedless, or that they are a little swift now. One of these horns they must take. Now I will read. I am a little instructed by what my honorable friend has said and by what he has referred to. Let us see if they have taken this back. What do they say? They say:

It would seem—

What "would seem?" A court talking about "it would seem!" They did not speak in that way when they were talking as a court exer-

cising judicial functions. They said "this man's loyalty is proven." Now, when they undertake to certify something unofficial, they talk about what "would seem!" How does it seem, and what seems to these men who are now acting unofficially?

It would seem to be clearly established by the papers now obtained that General Bailey, on the 14th of November, 1862, sold voluntarily—

Is that a new fact? Why, sir, they had that fact before them, and they certified in their record that they had that fact, and it was a principal fact. The sale of this very five hundred bales that they here talk about it would seem was before the commission, and they examined it as a principal fact touching the man's loyalty. Let us go a little further:

sold voluntarily five hundred and thirty-six bales of cotton to the confederate government—

My comment upon that is, they did gratuitously certify a fact which they were in law bound to find in that judgment, or else they are a little swift on this occasion. Let us go a little further: that he was the first leading planter to sell his cotton.

That is what they find. That is the finding of this extra-official statement out of court. Now put that against the other and see how the two things will read:

The cases of loyalty among the large landed proprietors of the South were so very rare that we felt it to be our duty to investigate this case thoroughly, and after doing so—

That is, after investigating the case, and after finding that this man had sold five hundred bales of cotton, they were delighted, notwithstanding all the evidence in the case controlling the fact, to certify to his loyalty; and now, out of court, without the sanctions which accompany the court-room, what do they say? I do not mean to say anything offensive; but they stultify themselves by saying that he was the first leading planter to sell his cotton, and they say that, reciting the identical fact that they had examined into in 1872 and reported upon. That is not calculated to weaken my impression very much. On the other hand, I should be inclined to say:

I thank thee, Jew, for teaching me that word.

I am very glad that my honorable friend from New York has been solicited in some way, to some end, that his attention had been called to this particular fact, and that he brought it to my attention and emphasized it with all that power and eloquence for which he is so distinguished, that he got it through my head at last that there really was very little in this new disclaimer.

Mr. President, I attach no importance at all to the fact of this being a "judgment," although my honorable friend seemed to attach great importance to the fact that I had in some sense called this a court, and that we were concluded, we were estopped, and could not reopen this question. All I meant to say was that when a great fact is *res adjudicata*, and particularly when this great Government selects its own tribunal, and that tribunal settles the facts in its own way and reports its judgment here, it does not become us to throw discredit over that judgment or decision on mere suspicion. That is precisely the ground I rested upon before. That is just what I rest upon now.

One word more in this line. My honorable friend says this is not a judgment in any sense, and he protests that the Senate of the United States shall not be concluded by my asseverating that this is a judgment. It is no judgment at all. Now, sir, there are some eleven hundred of these claims. Am I right about that?

Mr. SCOTT. Nearly eleven hundred.

Mr. MORRILL, of Maine. Nearly eleven hundred of these claims. What are these? Are they judgments? No; my honorable friend says they are not judgments. Are they decisions? Probably, yes. They carry with them so much sanction and so much authority, that my honorable friend himself was disposed to take them without reading. I asked to have them read; but somebody said he guessed it was not worth while, and I thought it was my honorable friend from New York, for I hardly know any other man on the floor who could have controlled me on that subject. If I did not submit to him, it must have been to somebody. I supposed he made that proposition. At any rate I was a little disposed that the whole bill should be read; but it was said "no; it is not necessary to read it." Why? The cases have all come from the commission; they are the judgment of a court; they are entitled to our confidence; they have been considered and they are entitled to our confidence; you need not read them at all. If it has not that significance what on earth has it?

More than that, they had the action of another body, which my honorable friend reprimanded me for alluding to. I withdraw all I said about that and we will be quits on that.

Mr. President, I rose in the beginning, upon a cursory examination of what I considered to be the principal facts, to state to the Senate the impression that those facts had made upon me, that there was no particular necessity disclosed here for the return of this claim to the commissioners of claims. That is all I did say; that is all I say now, and the discussion so far as it has gone rather strengthens that impression.

Mr. CONKLING. Mr. President, with the eloquence and the face-tiousness of the honorable Senator from Maine, I am too prudent to attempt to cope. With his statement of facts, I want for one moment to deal. The Senator from Maine cannot offset the second report



against the first report of this commission which he has come to the conclusion is not a report and does not render a judgment, and the chief reason is that the second report had not those sanctifying influences of the court-room, as he said in one place, and those solemnities which pertain to acts performed by official persons acting officially. Owing mainly to these discrepancies, the honorable Senator from Maine is not able to repose as he would like to do upon the second report of the commissioners in order that he may be assisted in doing justice. In the hope of relieving some of the anxiety and trouble of the Senator from Maine, I wish to call his attention to this second report. I really think I can satisfy him that in place of the commissioners being swift, he has been a little swift himself. Here is the second report dated thus: "Office of the commissioners of claims, Washington, D. C., March 26, 1874." This report is signed by "A. O. Aldis, J. B. Howell, O. Ferriss, commissioners of claims."

So it had the sanctity of the court-room. All of the influences which pervade that place surrounded the incubation and inception of this document. It was made and signed by these men officially, all of them acting as commissioners. What, then, is the particular absence that the Senator from Maine so piteously laments? He says the case was not before them. How was that? A case is never before them upon a hearing, although he thinks this is so much like a court, and no counsel ever appears on the one or the other. On the contrary, this is a self-sustaining, self-moving, if not automatic machine. They proceed, as the Senator from Maine and his committee proceed with an appropriation bill, to take it up and read it and investigate it themselves of their own mere motion. There is no day when it is in court rather than any other day. Therefore this case was before the commission in respect of everything save one technical thing. What was that? That they had already handed over their statement which the Senator from Maine has read in part again. Although he said he did not wish to repeat it, he did read it again.

Mr. MORRILL, of Maine. I had not read that before.

Mr. CONKLING. My honorable friend may not have read it, but the Senator from California read it yesterday and so did other Senators, and although they did not read it as fluently, with anything like the emphasis and solemnity which my friend gave us, nevertheless it was ponderously and repeatedly proclaimed to the Senate and sunk deep into my soul, as I presume it did into the soul of every other member of the body.

Mr. MORRILL, of Maine. I had not heard it, though.

Mr. CONKLING. My honorable friend was at that time revolving in his mind some of these broad and expansive definitions which he applies to this case.

Mr. MORRILL, of Maine. I was in my committee-room.

Mr. CONKLING. In this second report we have these men acting officially, acting as a body, acting in their court-room, acting upon this case, and saying what? Not stultifying themselves, if my honorable friend will pardon me. With a somewhat intimate acquaintance with all three of these men, Judge Aldis and his two associates, I say they did not stultify themselves in this instance; but on the contrary, if there be three men who in my belief may safely challenge comparison with any others in the employment of the Government for the zeal, the fidelity, the discernment, and the candid discrimination with which they apply themselves to their duties, it is these three gentlemen who my honorable friend thinks have gone far toward making a farce of themselves and their business. What do they say?

The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 980, show the facts which we deem it our duty to report to your committee.

Do they stultify themselves because they did not know anything about this before? But the honorable Senator from Maine, proceeding to read and passing over half this document, falls pell-mell upon this, and impales these men upon the glittering cimeter of his wit, not to speak of his logic; the Senator says they say "it would seem," and Denmark's wayward prince never wrung the changes upon that word, as rendered by the great master, as my honorable friend did: "it would seem," and as he echoed himself we might suppose that these men, referring to nothing, speaking of their own consciousness and conviction, were uttering something. Why, Mr. President, we need to refer to the context in order to rescue this board from the heavy censure of my honorable friend. They go on to say:

It clearly appears that General Bailey sold to the confederate government, &c.

Then they say this was the cotton to which the questions and answers related; they set out those questions and answers; they set the facts; and then what? They venture to bestow a comment upon this. Like a referee who is to hear and report, reporting so much of this newly discovered evidence as they deemed germane and essential and referring to that, they comment thus:

It would seem to be clearly established—

"Clearly established" how? By the evidence discovered among the rebel archives, a perusal of which they here set forth.

It would seem to be clearly established by the papers now obtained—

Mr. MORRILL, of Maine. That what?

Mr. CONKLING. I will come to that.

Mr. MORRILL, of Maine. Do not forget it.

Mr. CONKLING. Certain as you live, I will come to that.

Mr. MORRILL, of Maine. That is what I want.

Mr. CONKLING. I will come to that pivot, that universal joint on which my honorable friend swings round and round, when he says that these men stultified themselves because they repeated the very fact upon which they had found the reverse.

Mr. MORRILL, of Maine. Exactly, that is so.

Mr. CONKLING. My honorable friend has the courage now, although in a low tone of voice, to repeat that that is so. I am going to see whether it is or not.

It would seem to be clearly established by the papers now obtained that General Bailey, on the 14th of November, 1862, sold, voluntarily—

I wish I could pronounce that word as the Senator pronounced the word "seem." How I would wait and vex the drowsy ear of the Senate, not to speak of all the other departments of the Government, if I could give the penetrating and clarion-like sound to that word which was emitted by my honorable friend from Maine when he accused these men of employing the term "it would seem" so and so. But now it appears that he sold "voluntarily." Does the Senator mean to say that that fact was before the commission and reported by the commission?

Mr. MORRILL, of Maine. Will the Senator—

Mr. CONKLING. I will always let the Senator from Maine tell what he thinks on a subject. I will let him tell me now; I shall be glad to hear it now; but first let me tell the Senator from Maine what I think I heard him say to-day. I think I heard him say in reply to the Senator from Pennsylvania that the point on which the case turned before the commission on the question of loyalty, was the allegation of duress.

Mr. MORRILL, of Maine. I agree to that.

Mr. CONKLING. That what this man did he did under duress. Well, "in the name of all the gods at once," does a man do voluntarily what he submits to under duress? Somebody has said "necessity knows no law." That is duress. When a foot-pad presents a pistol at the breast of my friend and asks for his watch and he gives up his watch and gives up his will, to save his life, that is duress; that is what the law calls *vis major*; and beggars among others are not choosers. But, Mr. President, he who decides for himself whether he will sell a commodity or not, he who picks and chooses whether he will or will not do a thing, is not acting under duress. He is rather of those of whom a great poet said that they walked,

In maiden meditation, fancy-free.

He is the freest man on earth, he is as free as my honorable friend from Maine was in his elocution when he said that these commissioners said "it would seem."

What further? It appears that he voluntarily sold cotton for what? For something to pay his taxes with, so that you could say there was a kind of duress of the pocket, a certain something pinching at the groin which amounted to duress? O, no; that "will not wash." On the contrary he sold cotton among other things for "\$20,000 of confederate bonds," lasting securities based upon a bet against the life of the Republic. Every confederate bond was a bet and a wager that the Republic would die. If the Republic should die the bond would live; but if the Republic should successfully assert its right to be, then the bond was not to be worth the paper which had been defiled by the engraving upon it. That bond to the sum of \$20,000 was never taken by a man for the purpose of paying taxes. That will not do.

But, Mr. President, I wander a little from the point. These men in the first place found that the claimant was loyal because that which he did was done under duress. When the rebel archives were discovered and laid before them, they recall that and they say that from these papers it seems clear—I do not stop to pronounce the word "seem," I merely use it—it seems clear that he did voluntarily do that which before it was supposed he had done under duress. Now what becomes of all the distinctions of the honorable Senator from Maine? I submit to him that they come to one single point, namely: that these men having handed over their schedule of claims, of which this was one, were technically and manually divested of the possession of the claim, and therefore they say that if Congress retains possession that does not authorize them further, they cannot go on, but speaking as a board and a commission in their court-room, upon their oaths, and signing this report officially, they feel bound to serve notice upon Congress that here is newly-discovered evidence which not only changes the case but takes from it that one thing, that *sine qua non* upon which they rested their first report, and that turning out to be a fallacy the logic is that the whole thing falls to the ground.

But my honorable friend says they have stultified themselves. He says in the first place they had it not before them, and that they ought to have been in their court-room. It turns out that they were. He says they ought to have acted officially. It turns out that they did. He says they ought to have acted in reference to this case specially. It turns out that they did. And on the whole he says they have stultified themselves because they had before them originally the fact that this man had sold cotton and having that fact before them what more could they want to know? And although one rise from the dead and make new revelations, or although we are able to gather from the archives of the confederacy that testimony which shows that as to the very hinge on which they suppose the case turns the truth swings the other way the Senator says, "O no; they have passed upon this once; they did it in their court-room; they had no

witnesses before them that we know anything about except those that appear here in the testimony; they had no counsel to represent either party; they were going on investigating for themselves; and now investigating in the same way they have suddenly discovered that which startles them with the knowledge that they made a mistake and been led into an error; they send it here and certify it." The Senator from Maine says it amounts to nothing, and he refuses to offset the one thing against the other. All I can say is that I not only offset the one thing against the other, but upon my mind it has the same influence morally and the same influence legally that it would have if a jury should come into court with a verdict and before they were discharged from the jury-box after having rendered it should discover that they had fallen into an error of calculation or that they had made some other blunder, and called attention to it on the spot. It has the same influence upon me that it would if a court or a referee or any other tribunal should come in and say: "I rendered that judgment; I made that finding; I did it in ignorance of this fact; and here is evidence which, had it been before me, would seem to make it clear that the finding should have been the other way."

Mr. MORRILL, of Maine, and Mr. SCOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, there are many things that I would wish to say, some that I ought to say, perhaps, in reply both to the Senator from Maine and the Senator from New York in reference to the action of the committee upon this whole bill; but we have now been engaged upon it since yesterday, spending the greater part of both days on the discussion of this case; and although these things ought to be said, perhaps, and attention called to some details which have been omitted, if we can have a vote on this bill—and I appeal to the Senate to give us one—I will forbear saying anything more on it. I do not wish to cut off my friend from Maine, for I see he is waiting to reply to the Senator from New York, but having the floor I do make an appeal to the Senate. Can we not now have a vote on the question?

Mr. MORRILL, of Maine. I will not occupy five minutes.

Mr. SCOTT. If the Senator will not occupy more than five minutes and we can then vote I shall not claim the floor again. I shall ask for a vote, and hope we shall succeed in having a vote.

Mr. MORRILL, of Maine. I know that not the slightest importance will be attached by the Senate to the estimate which the Senator from New York puts on one fact and the different estimate which I put upon the same fact. His point is that this letter of these commissioners is of equally binding force with the judgment or decision rendered. My impression is that it is *coram non judice* anyhow, and they oust themselves in the first sentence they utter in the letter, saying that they did not have any jurisdiction of it and did not intend to take any jurisdiction of it. After reciting the fact that they have discovered certain evidence they say:

The case having been reported by us to Congress, we do not feel at liberty to make any further investigation of it.

Then what? If they are not authorized to make any further investigation into it, is not there an end of their jurisdiction over it? Certainly. Then what is this? They put this in by way of dissertation, I suppose, by way of advice, by way of suggestion. They have been looking over the records, and some things have fallen under their observation that had not fallen before, and although they pass no judicial judgment upon it whatever and say they have no power to investigate and do not undertake to investigate it, they make a suggestion. Does that make a judgment? I submit not.

My honorable friend was a little adroit in quoting from these persons when they say "it seems" that this man had voluntarily sold cotton. They refer to one fact, as he will see; that is the fact of the five hundred bales sold in November, 1862. That is the fact they refer to when they say "it seems." My comment on that is what I have already said: it did not so seem at all when this commission examined that fact, and they say they did examine it most thoroughly, and they find it was not a voluntary thing. What has changed their minds? Two additional facts which have come in here, and not one of them touches that point at all. Here are the papers which they call additional facts, and not one of them touches that point, which is the principal point in this case. Let me call the attention of the Senator to this. Here is one of the letters which are relied upon to throw suspicion on this man's loyalty. Let me read it, and see what honorable Senators will say it is entitled to. There is no objection, says one of these agents addressing the other—not addressing this man—but the first cotton was sold in November, 1862, and almost all these papers are a year later; and in 1863 one agent says to another:

There is no objection to purchase his (Bailey's) or your brother's cotton; and if you can pick up enough to pay all expenses in this wise, it is all right. I would—

Now here is the point to which I desire to call the attention of the Senator—

I would not advise—

He advises him to buy, but—

I would not advise any alliances, however, with General Bailey.

Here are two confederate agents trading with this man to get his cotton, forcing him to sell it—that is the legitimate inference from the first finding of this court—and one says to the other: "Do not you trust him at all as a confederate; make no alliances with him whatever; he is not reliable; the Unionists have confidence in him." That

is the style of new evidence which has been discovered, upon the suggestion of which we are asked to send this case back to these commissioners. I therefore rise to affirm and repeat what I stated in the beginning, that at any rate it does not impress me that it carries with it that probable presumption of disloyalty which necessarily forces us to any such conclusion. It is little more or less than a suspicion resting in the minds of these men, and they make that communication for what it is worth. I do not mean to say any more about it.

Mr. ALCORN. I regret very much that I shall have to trespass on the impatience of the honorable Senator from Pennsylvania. If he is weary I beg him not to charge it to my account, but rather to the account of those who have made three and four speeches of an hour or more in length in order to express their views upon this question.

Mr. SCOTT. I have no impatience on this subject, but I would call the Senator's attention to the fact that every hour of delay imperils the interests of Mississippi and every other State that has appropriations in this bill. He can go on.

Mr. ALCORN. The Senator's statement is true; but "let justice be done though the heavens fall." I cannot permit this discussion to go by without saying something upon this case. I owe it to the people I represent to express myself upon this subject. I am not acquainted with General Bailey. I have never seen him in my life that I know of; and I am sure I never heard of him until I heard of this case of his. I know nothing of his family of my own knowledge. I know not whether he was a Union or disunion man, so far as my own knowledge goes. But with regard to the claims commission I desire to say that had I been here in my place when the law of Congress creating it was passed I should have voted against it. It would have been well for the people of Mississippi and the people of all the Southern States had that law never been passed.

The Government at the close of the war improvised a claims commission, for what purpose? The people who were in the Southern States within the rebellious districts, were presumed to have been rebellious during the war; but after its close the Government out of tender regard for those people, and not to do them injury, held out an inducement to the people in the rebel States to come here to prove that while the war went on they were loyal to the Government of the United States. The Government here laid an inducement for perjury that has been felt and that I have seen working itself in the Southern States. Of course the people there were under the presumption of rebellion against this Government; they could not have avowed Union sentiments and remained in that country during the war, for the confederate government tolerated no disloyalty to it there, as there was no disloyalty to the United States Government tolerated here. You invite a man who for four long years in the South under the sound of the cannon's roar saw the battle go on and stood with his fellow, to come forward with his witnesses and prove that he was a loyal man to the Government of the United States. There were certain loyal men down there who stood this test, and I believe from all the testimony I have at my disposal that this claimant was one of them. I can say, however, that many of those who have made proof of loyalty to this Government were certainly guilty of acts of more disloyalty to the Government than this man seems to be charged with. This man's case has been tried, and he has been tried by a tribunal that was set up by you and that has, whether it was intended so or not, acted the part of an inquisitorial tribunal for the purpose of probing the heart of every person who came before that board, to see whether they could not nose out some evidence of disloyalty.

An honorable friend near me asks me to let the Senate vote. I repeat to him, for I believe he was not present when I made my opening remark, that the impatience which the Senator from Pennsylvania manifests on this occasion, I trust, will not be charged to me. I owe courtesy to my fellow-Senators, and I will never while I occupy a seat in this body speak against time; I will never speak to annoy any one; but I will, in discharging my duty to my constituents, address the body and claim to be heard when I feel that it is proper for me to speak.

I say that this commission passed upon this man's case. They examined and scrutinized his witnesses. That was done by this inquisitorial board who make publication to the country of the fact that they do not allow more than about 10 or 15 per cent. upon the claims presented before them for adjudication. When people have come up from the South claiming that the Government owes them money, that here is a demand of \$1,000, for instance, they proclaim "here is what we have permitted him to have, ten cents on the dollar." That is what they publish. The claimants are all glad to get what they can. They have had to bring their witnesses here from the Southern States, and so far as the South is concerned it has been made poorer by this claims commission than it was when it began. The lawyers around this city—a very reputable class of lawyers, I admit—have fattened and grown rich on the claims commission, but the people have in truth been made poorer by it.

But the court probed this case. They examined it closely. They scrutinized it. They examined the charges; they took the proof; and they found this man Bailey to have been loyal throughout, and they sent their judgment and adjudication here. Now after the adjudication has been had they send in a protocol, a sort of codicil to their will; they grab for this man. Having stripped him before the



court of everything that it was possible they could carry away from him, they run their arms into the doors of the Senate Chamber and say to the Senate, "Give us back Bailey once more that we may put him through." I do not want to let them have Bailey any more. They have had him once, and I am for keeping him away from them now.

But what do they say? They come here with the plea that they have discovered new testimony. I will take these statements as if they were in the form of affidavits to sustain a plea, and I enter my demurrer to the plea. Admitting the facts as set forth, I claim that they are not sufficient in law to bar the right of Bailey in his action here before the Senate for this money. Was it disloyal to sell cotton to the confederate government? In what did the disloyalty consist? Here was Bailey in the State of Louisiana. The rebellion had established itself; the armies of the Government of the United States were a thousand miles away; the gun-boats were at Charleston, and the fight went on. The Government of the United States had blockaded the ports. The commodity that Bailey had raised, cotton, he had no means of sending abroad. He was forbidden by the confederate government to send it into the lines of the Federal Army; he was forbidden to send it to Liverpool for sale. What should he do with it? He had it. It was necessary that he should convert the cotton into something that would enable his family, while the war was going on, to subsist. Who else was a purchaser but the government of the Confederate States? Nobody else. There was no other purchaser. Was it disloyal for Bailey under such circumstances to sell to the confederate government his cotton? Where was the disloyalty? Had the Government of the United States declared at the time that this was an act of disloyalty? Where is the proclamation of your Government declaring that an act like that was disloyal? There is no such statute; there is no such proclamation; there is no such military order. It was no act of disloyalty in Bailey to sell his cotton to the confederate government.

The Government of the United States through its President sent agents to the Southern States to buy cotton. Was it disloyal for the President of the United States to send agents to the Confederate States to purchase cotton and say to those agents, "You may buy the cotton from the confederate government, you may buy it from Jeff Davis himself?" The President of the United States used language like this: he said that we must have cotton. Why did he say so? Because the necessities of the Government of the United States compelled it to purchase cotton from the Confederate States or the people of the Confederate States. Baileysold to the Confederate States because his necessities compelled him to sell his cotton to the Confederate States for the purpose of obtaining the means of subsistence for himself and his family. Would a court of justice anywhere hold it to be an act of disloyalty for him to have sold cotton to the confederate government or anybody else in order to procure a subsistence for his family? Why did he take confederate bonds? He took them because the confederate bonds he knew would be good for something while the war went on. He knew the cotton was within the grasp of the confederate government; he could not take it away; it was in the power of the confederate government. The confederate government held it. He could not sell it to anybody else. And yet the Senator from New York says there was no duress here; he was free as air; he could have sold or not sold. There was nobody else he could sell to, there was no one a purchaser of cotton but the confederate government. Was it not duress? Yes, sir, duress present and menacing at the time. There was nobody there to say "You shall sell this or I will take your life," but there was the menace and there was that standing before him which showed him that if this cotton was not sold by him, perhaps the torch would be set to it, perhaps the government might say they would not pay for it but take it; and in the frugal way that a man has a right to do he said "Yes, I will take it."

But "O," says the Senator from New York—and so important was that discovery that he had to ask the Senate to listen to him a second time that he might make his point—"I have discovered that the man McKee, who was Bailey's son-in-law, absolutely gave him two cents a pound more for his cotton than he gave anybody else." What does that prove? The Senator from New York adduces the testimony to prove one fact, and I use it to prove another. It shows that Bailey was less inclined to sell his cotton, and that he was more difficult to deal with by two cents a pound than any other man in that country around him. It shows that Bailey was not ready to sell his cotton; it shows that Bailey did not run out to meet the purchaser; it shows that Bailey had to be dealt with, and they had to give him two cents a pound more for cotton than they gave anybody else before he would come to terms and make the trade; and now because he thus stood out, because with the necessity surrounding him he stood out and refused to capitulate until the inducement was offered him, it is here urged as testimony against him!

Mr. WEST. I hope the Senator from Mississippi will at the same time not lose sight of the fact that another Senator said that they did not buy cotton from anybody else but Bailey; they went to him and got it.

Mr. ALCORN. They bought it from everybody. That is a historical fact that the Senate judicially knows, that the confederate government bought cotton from every one. The philosophy of all that was this: the confederate government simply refused to allow cotton

to go outside their lines; their ports were blockaded; they refused to pass it into the Federal lines; and then to allay the clamor of the people the government itself became a purchaser and a purchaser at a price to satisfy the wants of the people at the time.

But, sir, it is said that Bailey showed disloyalty in this, and yet he swore that he had been guilty of no disloyal act. I claim that you cannot convict him of having borne false testimony on the mere fact that he did sell cotton to the confederate government. I have made my argument on that point. But suppose that Bailey had denied that fact which stood out and existed at the time; suppose when he was before this inquisitorial commission he had concealed the fact from them that he had sold these bales of cotton, will you condemn him for that? Considering the weakness of human nature, can you condemn him for that? Go back to sacred history; look at an example which I venture to bring before the Senate, the case of the great and good Peter, no common man. He had left the presence of his blessed Redeemer but some ten hours before; he had seen Him perform His miracles; he knew He was the Son of the living God and that He had come to save the world from death and from eternal damnation; but when Peter was surrounded by his enemies, when his life was in danger, he denied the fact that he knew Christ or that he belonged to the soldiers that marched under his banner. Did the good Lord on this account discard Peter? Did He say that he was not to be trusted? Did He say that on account of that act of disloyalty He would not recognize him as having been true to His standard? O, no; but he said: Peter you have but exemplified the weakness of mankind; come now stand by me, under my banner, blessed still of the Lord; you shall go forward in the way that good people all move.

I am now supposing that Bailey, when before this court, may have concealed the fact. Bailey, whose property had been swept away from him; a man of fortune, with all his slaves surrounding him, had been stripped of all these; and now, bending down with age, poor and penniless, he makes his way up to the capital, and before this claims commission, almost from the very house of starvation, he comes before this inquisitorial court, and most piteously he begs that the Government will do him the courtesy of giving him a pittance that his old days may be soothed with the reflection that he has something upon which he can subsist until he can make his journey to

The undiscover'd country, from whose bourne  
No traveler returns.

He conceals the fact that he has sold these six hundred and eighty bales of cotton, and now, having purchased these records from the confederate government, you discover that he concealed the fact. Admitting, I say, that he did conceal the fact, it does not show that he was guilty in concealing that fact of any disloyalty to the Government of the United States. It does not show that old man Bailey was guilty of any wrong to the Government of the United States at the time the act was committed. He knew perhaps the weight that would be given to that act by this claims commission, and it was this which caused him to conceal the fact, if in truth he did conceal it. If in truth the fact existed, it was these circumstances which led the old man Bailey to conceal the fact.

Sir, I say again that here was duress existing, present and menacing, and that he could not sell his cotton to any other purchaser than the confederate government. Now, when you say it was wrong for him to sell cotton to the confederate government and that it was an act of disloyalty, I produce here the fact that the President of the United States sent officers to the South to buy cotton from the citizens and from the confederate government, giving protection to that cotton through the lines; that the Government of the United States exchanged for cotton clothes and blankets and meat and bread, and they were sent through the confederate lines and exchanged for cotton; and not only those articles, but Colts pistols, powder, and ball were sent to the South in exchange for cotton by officers of the Government of the United States.

What caused the United States to do this? The necessities of the Government. The cotton was necessary for the Government of the United States. They could not get along without it; and the Secretary of the Treasury in 1869 said this with regard to it, and I refer to it now to show the necessities that existed:

The great staples of the South have for many years constituted a large portion of our exports. But for the cotton held in that section at the close of the rebellion the foreign exchanges would have been so largely against the United States that a commercial convulsion would have been imminent if not unavoidable. Even in the deplorable condition of those States, last year more than two-thirds of our exports consisted of their productions; and which is the crop of the present year, small though it may be, that is to save us from ruinous indebtedness to Europe.

Such were the straitened circumstances of the Government of the United States that its credit was threatened; it had to have cotton, and every means was used to get cotton. When General Bailey saw the Government of the United States trading with the confederate government, buying its cotton, giving provisions in exchange, when there was no law existing to forbid it, is he to be held as disloyal, because, forsooth, in the hour of his trial, in the day of his necessity he sold to the confederate government cotton that he could not dispose of in any other way, sold his cotton and then escaped into the Federal lines? The proof shows that he came into the Federal lines.

Mr. SCOTT. The Federal lines came to him.

Mr. ALCORN. It was all the same. They came to him. But I can tell you that if Bailey had kept his cotton and had refused to

sell it to the confederate government, when the United States Army got there the cotton would have been missing, the flames would have already devoured the cotton; but the confederate government bought the cotton and removed it away, and afterward the cotton was brought back to the Federal Government and became valuable to the United States.

Mr. SHERMAN. Does the Senator say that the proceeds of this cotton came into the Treasury of the United States?

Mr. ALCORN. We cannot trace the cotton; I know nothing of this particular cotton. I know nothing of this case except what has been stated here and what I see in the testimony. This man's loyalty is attested by General Sherman; and remember that General Sherman had no recent acquaintance with Bailey; remember that General Sherman had resided in that district of country. General Sherman, I believe, was in the South at the time the secession ordinance was passed. He immediately went away. Bailey was acquainted with him and knew General Sherman's sentiments, and General Sherman, I presume, knew Bailey's. He testifies to his loyalty, and says that during the whole period while the war went on he was loyal. Ten thousand hearts in the South were loyal; yes, ten times ten thousand were loyal to the Government of the United States. They were not responsible for the revolution. But the armies gathered round them. Do you tell me that they did not act under duress? Yes; thousands and thousands of men who to-day would suffer themselves to be impaled before they would confess the fact; thousands and tens of thousands of them went into the confederate cause under duress. This man Bailey stood there under duress all the time; he sold his cotton under duress.

To prove that he sold it under duress allow me to state a fact. That cotton was worth in Liverpool twenty cents a pound in gold, when it could be taken to Liverpool for less than two cents a pound. Would Bailey, if he had not been under duress, have sold it to the confederate government for ten or twelve cents a pound in confederate bonds, the value of which depended upon the result of the war? The very sale that he made, the funds that he obtained, the manner of the sale, all show very conclusively that the man was under duress, and it was "sell here or sell not at all."

Suppose now, sir, that I had come to you telling you that I had left my plantation or my home in Mississippi, that I had sold to the confederate government my horses, that they were valuable for the cavalry; that I had sold my cattle, that I had divested myself of everything I could, and had escaped into your lines; would the fact that I had sold these things to the confederate government have been taken as an act of disloyalty? Would I have been reproved by a single man in all the broad land of having been guilty of an act of disloyalty in selling my property before I left the rebellious States? Certainly not. Why? Because there was no one else to whom I could sell it; no other power, no other authority, and I must have some means of subsistence. Under the necessities of the case, for subsistence' sake, Bailey sold his cotton. It was liable to be burned up any night. He knew that he was held to be a Union man, and he knew that the surroundings were such as to endanger his cotton. He sold it for money and bonds, knowing that the bonds had a value in Liverpool at that time, and even though he might have to escape into the Federal lines he could send his bonds there and realize something upon them by which to subsist his family. And yet you say that this was an act of disloyalty on the part of Bailey. Where is the evidence of disloyalty? Show me the taint of disloyalty that shall touch a man because in the hour of his trial, in the hour of his tribulation, in the hour of his necessity, he sold that which he had to dispose of in order that he might find a subsistence for himself and family.

The PRESIDING OFFICER. (Mr. CLAYTON in the chair.) The question is on the amendment of the Committee on Claims striking out the appropriation for the claim of William Bailey.

Mr. SCOTT. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOWE, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. SPENCER.] If he were here he would vote against the amendment, and I should vote for it.

The roll-call was concluded.

Mr. ALLISON. I desire to say that Senators THURMAN and STEWART are paired on this motion to strike out; one of them would vote "yea," and the other "nay," [laughter,] which one I do not know.

The result was announced—yeas 21, nays 33, as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conkling, Cragin, Ferry of Michigan, Frelinghuysen, Hamlin, Ingalls, Morrill of Vermont, Oglesby, Pratt, Scott, Sherman, Wadleigh, Washburn, and Wright—21.

NAYS—Messrs. Alcorn, Bayard, Boggs, Boreman, Conover, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, Lewis, McCroery, Merrimon, Mitchell, Morrill of Maine, Norwood, Patterson, Pease, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sprague, Stevenson, Stockton, West, and Windom—33.

ABSENT—Messrs. Brownlow, Cameron, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Hamilton of Texas, Harvey, Hitchcock, Howe, Jones, Logan, Morton, Spencer, Stewart, Thurman, and Tipton—19.

So the amendment was rejected.

The next amendment reported by the Committee on Claims was on page 22, line 535, to strike out—

To Letitia Elsey and Maria H. Turpin, each \$3,563.48.

Mr. SCOTT. As the Senate has voted in the manner in which it has done, I now wish to make a very brief statement in regard to this case to see how far this principle is to be carried. This case involves the same principle. Letitia Elsey and Maria H. Turpin are two of the nieces of a man named Whitty M. Sasser. Whitty M. Sasser lived in the same parish of Louisiana, the parish of Rapides, where General Bailey lived. He is now dead. The report of the commissioners in this case finds that he was disloyal. They find, however, who his relatives are, his brothers and sisters, and they find that these two of his nieces were loyal women, and they gave to them the two-fifths of one-half, finding that the other brother or sister, whichever it was, was disloyal also. These two loyal women, deriving their title through a disloyal source, are brought into this report. The only thing that Sasser's disloyalty was based upon was the sale of three hundred and thirty-one bales of the cotton; for he is proven to have been at the same Union meeting that General Bailey presided at in the same parish. The motion is to strike this out also. Of course, after this statement, the majority of the Senate, to be consistent with itself, ought to keep this clause in.

Mr. CONKLING. This man has the advantage of having two nieces, besides.

Mr. SARGENT. I concur entirely with the Senator from Pennsylvania that the Senate, to be consistent, ought to keep this in, and I think it is perfectly proper to keep it in, provided the only point against this man is that he sold some bales of cotton. The court say, in the case of Bailey, that he admits that he sold five hundred bales, and they nevertheless report that he was loyal; and now they report another person, who, as I understand the Senator from Pennsylvania, was similarly situated was disloyal. It looks like inconsistency on the part of the commission.

Mr. SCOTT. Permit me to correct my friend—

Mr. SARGENT. With pleasure.

Mr. SCOTT. General Bailey was examined and swore before the commission that he sold by compulsion. Mr. Sasser is dead, and his representatives are the claimants. The commission found him disloyal on the sale of the cotton.

Mr. SARGENT. Which seems to me, as I was stating, an inconsistent thing. The Senate, of course, will be consistent. I do not wish to go over the debate again, but I think these persons were in a very unhappy region of country at this time, subject to a severe pressure. If the commission could find that a person who stated he had sold five hundred bales was loyal, they ought not to hold that a person who sold thirty bales was disloyal. But the persons who are benefited by this little provision are unquestionably loyal and are women. I think that is an additional reason why we should concur with the previous action of the Senate and keep them in. I trust the Senate will not commit the inconsistency of striking out this item.

Mr. DAVIS. This case is rather a peculiar one and unlike the Bailey case. The commission awarded two-fifths of one-half to the two ladies named in the clause of the bill, leaving of course eight-tenths yet to be acted upon, the cases of the claimants for which were not properly presented before the commission as I understand. While the facts in regard to the cotton of the two men may have been the same in both cases, yet the surroundings of the two men might have been very different and probably were very different. I looked through this case as a member of the committee, and I think it ought to be referred back to the commission. Therefore I hope the amendment will be agreed to and the committee sustained. I believe the committee was unanimous on this claim.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out the item.

The question being put, there were on division—yeas 28, noes 13.

Mr. ALCORN. I call for the yeas and nays. ["No!" "no!"]

Mr. ANTHONY. I hope we shall not have the yeas and nays.

Mr. ALCORN. I defer to the will of the Senate. I will not insist on it, but I do trust this section will not be stricken out.

The PRESIDENT *pro tempore*. The yeas have it on a division, and the amendment is agreed to.

Mr. SPRAGUE. I ask for another vote. ["Too late."]

The PRESIDENT *pro tempore*. The next amendment will be read.

The CHIEF CLERK. On page 31, line 741, the Committee on Claims propose to strike out "Feltz" and insert "Felts."

The amendment was agreed to.

The next amendment was in line 850, to strike out "Ryon" and insert "Ryons."

The amendment was agreed to.

Mr. SCOTT. The next amendment, from line 1367 to line 1371, was a proposition to strike out. I desire to offer a substitute for that, and I will make this explanation of it. That is an award made to the estate of John Fox, deceased, of Virginia. John Fox made a will about the year 1859, in which he provided for his slaves, providing that the land in Virginia was to be sold and land purchased with the proceeds in Ohio for the use of his slaves. The estate has never been settled, and is now in the hands of an administrator *de bonis non*, and allegations were made that he refused to recognize properly the proper rights of these colored legatees, now freemen. On that allegation the House committee struck out the name of the administrator *de bonis non* and put in the name of John A. Seaton, claiming to be an attorney in fact for these colored legatees. John A. Seaton is the large,



almost giantlike colored Capitol policeman that we see about here. He produced a power of attorney signed with the mark of some eighty or ninety legatees, and very informally executed and acknowledged. There are other parties who allege that they are attorneys in fact for some of the legatees. There are certificates here showing that some of the negroes have been paid in full their share of the legacy. For the purpose of obviating a difficulty on both sides, with the agreement of the counsel for the administrator and those who claim to represent the negroes, I offer an amendment, that this money shall go to the estate of John Fox, deceased, to be paid to John T. Burns, receiver of the circuit court of Fauquier County, Virginia, to be by him reported to said court and distributed according to the will of John Fox, deceased. This receiver is a bonded officer, and this will make it the interest of both administrator and legatees to get it out of court as soon as possible.

The PRESIDENT *pro tempore*. The amendment will be reported from the desk.

The CHIEF CLERK. It is proposed to strike out on page 56, commencing in line 1367, the following clause:

To John A. Seaton, attorney in fact for the colored legatees of John Fox, deceased, \$7,545: *Provided*, That said Seaton shall file with the Secretary of the Treasury proper evidence of his authority to receive said sum.

And in lieu thereof insert:

To the estate of John Fox, deceased, to be paid to John T. Burns, receiver of the circuit court of Fauquier County, Virginia, to be by him reported to said court to be distributed according to the will of John Fox, deceased.

The amendment was agreed to.

The next amendment was of the Committee on Claims, to insert as an additional section the following:

SEC. 2. That the case of William Bailey, the case of Whitty M. Sasser, which was reported allowed by the commissioners of claims to the extent of the interest therein of Letitia Elsey and Maria H. Turpin, and the case of John Campbell, administrator of the estate of Stephen S. Springer, deceased, be, and they are hereby, referred to the commissioners of claims for re-examination and report; and the said commissioners of claims are hereby authorized to reopen, examine, and consider the said cases, and to make report thereon to Congress.

Mr. DAVIS. I take it the Senator from Pennsylvania will ask to strike out the Bailey case from that amendment.

Mr. SCOTT. The name of William Bailey occurs there. The amendment striking out that case in the body of the bill has been voted down. While I do not think the claim ought to be struck out of the section, of course it ought to conform to the action of the Senate.

Mr. STEVENSON. I move to strike out the words "the case of William Bailey."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon;

A bill (S. No. 716) for the better government of the Navy of the United States;

A bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge;

A bill (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

A bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen;

A bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

A bill (H. R. No. 203) to create two additional land districts in the State of Kansas;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

A bill (H. R. No. 2670) granting a pension to Mary S. Howe;

A bill (H. R. No. 2671) granting a pension to General A. C. Voris;

A bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif;

A bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

A bill (H. R. No. 2463) for the relief of Joseph S. Read;

A bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado;

A bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes;

A bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875;

A bill (H. R. No. 3678) for the relief of savings institutions having no capital stock, and doing business solely for the benefit of depositors; and

A bill (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

#### RIVER AND HARBOR BILL.

Mr. CHANDLER. I move to proceed to the consideration of the river and harbor bill—House bill No. 3168.

Mr. KELLY. I move to amend that by—

The PRESIDENT *pro tempore*. An amendment to the motion is not in order.

Mr. FRELINGHUYSEN. There is about half an hour before we adjourn. In that time the bill which I called the attention of the Senate to this morning can be disposed of. It is a bill that if amended as it ought to be must be sent back to the House, and I think we had better take that up. I hope this motion will be voted down, and that then we shall take up the bill for the enforcement of the laws in the Territory of Utah.

Mr. CHANDLER. I hope we shall go on with the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan.

The motion was agreed to; there being on a division ayes 34, noes not counted.

Mr. ALLISON. I ask the Senator from Michigan to give way and see if we cannot pass the bill relating to the District of Columbia to-night.

Mr. CHANDLER. I have no objection to laying this aside informally, leaving it the unfinished business, and allowing the Senator from Iowa to proceed.

The PRESIDENT *pro tempore*. If there be no objection the river and harbor bill will be considered as laid aside informally, and the Senate will proceed to consider the District bill.

Mr. DAVIS. Is the bill subject to call by any Senator?

The PRESIDENT *pro tempore*. The regular order is subject to call by any Senator at any time.

Mr. FRELINGHUYSEN. I do not like to object, and yet I do not think that is exactly the right way to present the order of business. The Senator from Michigan opposes the bill which I am instructed to present, and which is of importance, and then gives way to another. I must object.

The PRESIDENT *pro tempore*. The Senator from New Jersey calls for the regular order, which is the river and harbor bill.

Mr. HAMLIN. There are some matters upon your table, sir, of an executive character, which ought to be referred to the proper committees this day. Those committees will meet probably to-morrow morning for the last time. They are important. I therefore move that the Senate now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting that motion, with the permission of the Senate the Chair will dispose of the business on his table.

Mr. HAMLIN. Very well.

#### PUBLIC MARINE SCHOOLS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 176) to encourage the establishment of public marine schools, which was to substitute for the bill the following:

That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application of the governor of a State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained at such port or school or branch of a school for the instruction of youths in navigation, seamanship, marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels, or any particular branch thereof; and the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents of, or instructors in, such schools: *Provided*, That if any such school shall be discontinued, or the good of the service shall require, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled: *And provided further*, That no person shall be sentenced to or received at such schools as a punishment or commutation of punishment for crime.

Mr. SARGENT. I move to concur in the amendment of the House. The motion was agreed to.

#### LAND DISTRICT IN MONTANA.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana.

Mr. RAMSEY. I hope the Senate will pass the bill at once.

Mr. KELLY. I trust it will be acted on now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KELLY. It is a House bill similar to one reported by our Committee on Public Lands.

Mr. RAMSEY. It is recommended by our Committee on Public Lands.

The bill was considered as in Committee of the Whole, reported to the Senate, ordered to a third reading, read the third time, and passed.

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 3745) to remove the disabilities of James Howard, of Baltimore, Maryland, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 2834) granting the right of way through the public lands to the Arkansas Valley Railway Company was read twice by its title.

Mr. BOGY. I ask that the bill be put on its passage. ["No!" "No!"] There will be no objection. I will state in one word that I am perfectly satisfied the bill will pass. It is recommended as an absolute necessity to enable the road to be built. It only gives a right of way of one hundred feet on each side of the road and no appropriation, and nobody will object.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. SHERMAN. I object to this mode of doing business.

The PRESIDENT *pro tempore*. Objection being made, the bill will be referred.

Mr. BOGY. We have reported the same bill already. I move that the bill be referred to the Committee on Territories.

The motion was agreed to.

The bill (H. R. No. 3479) in relation to parties in the Court of Claims was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3747) to amend the act entitled "An act for the erection of a public building for the use of the United States in Covington, Kentucky," was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### PENSIONS TO SOLDIERS OF 1812.

Mr. STEVENSON. I desire to give notice to the Senate that I shall ask to-morrow that we have a night session for the purpose of disposing of the pension bill. It is a bill of great importance. If the gratitude of the country was ever due to anybody, it seems to me to be due to the soldiers of the war of 1812, very few of whom now survive. This is an act of justice to them, and I hope to-morrow night will be set apart for that purpose. I will submit my motion to-morrow morning.

#### THE DISTRICT GOVERNMENT.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes.

Mr. ALLISON. I ask for the immediate consideration of that bill.

Mr. DAVIS. I do not think that ought to be done. The last bills that come here pass first.

Mr. ALLISON. This is a very important bill, and unless it is early disposed of it will be impossible to pass it at this session.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia object?

Mr. ALLISON. The bill has passed the House almost unanimously. I do not desire to debate it. It is well understood by the Senate, and I think it will occupy but a brief moment.

The PRESIDENT *pro tempore*. If there be no objection the bill will be read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes.

The Chief Clerk proceeded to read the bill.

Mr. HAMLIN. I want to discharge my duty and then the responsibility may go somewhere else. Our session, I think, is limited in its extent. I therefore must insist on my motion to go into executive session.

Mr. THURMAN. I hope the motion will be voted down.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. CONKLING. I venture now to make the suggestion to all Senators that although the order is to adjourn at six o'clock, the Senate can extend the session.

Mr. THURMAN. There is no order.

Mr. CONKLING. Such an order was made; but my suggestion is that it is within the control of the Senate. Any Senator can move when six o'clock comes to extend the time for half an hour or an hour.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that no such motion is necessary. The order of yesterday was that the Senate should sit from eleven until six, but not that it should adjourn at six.

Mr. CONKLING. And therefore the time can be extended without any difficulty.

Mr. THURMAN. It does not require any motion to extend the time.

The reading of the bill was concluded.

Mr. ALLISON. I only desire to say that this bill is the result of

the careful deliberations of the joint select committee, that it meets the approval of that committee, and has passed the House of Representatives by an almost unanimous vote. The committee have no amendments to offer to the bill, and therefore, unless some amendments are offered, I ask for the vote.

Mr. WINDOM. I offer the following as an additional section:

That the sum of \$250,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the workmen employed on public improvements on the streets and excavations of Washington, under the board of public works of the District of Columbia, or the contractors of the same, or any or all of them; and the board of public works is hereby authorized and ordered to retain, from the several contractors who are indebted to the workmen, and whose accounts have not been settled by the board of public works, the several sums due the workmen; and that an amount equal to the amount appropriated by this act shall be deducted from any future appropriations made by the United States for public improvements in the District of Columbia, and the same be paid into the Treasury of the United States. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Public Buildings and Grounds.

Mr. STEVENSON. Is that amendment in order to this bill?

The PRESIDENT *pro tempore*. It is.

Mr. ALLISON. I desire to say to the Senator from Minnesota that in the report made by the joint committee we have recommended an appropriation of not less than a million dollars, which appropriation shall be used first to pay the interest due July 1, 1874, and afterward to pay the employes and laborers of the District government; and the committee have recommended that to the Committee on Appropriations, to be inserted in the miscellaneous appropriation bill. Therefore it would be well not to incumber this bill with any appropriation.

Mr. WINDOM. I was not aware that any such recommendation had been made. I withdraw the amendment.

Mr. SARGENT. I offer the following amendment:

In line 4, section 2, strike out the word "who" and insert "and to designate one of these as the presiding officer thereof, to be styled the governor, which said commission."

Section 2 provides—

That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District.

Now I propose that the President shall designate one of these persons as presiding officer of the board, and that this person shall be styled the governor, which gives him no additional power, does not vary his powers, simply makes him presiding officer. The necessity for the amendment is that the governor *ex officio* is a member of quite a large number of boards, as for instance the school board, the fire commissioners, &c., which are mutilated.

Mr. THURMAN. The ninth section provides for that.

Mr. SARGENT. Section 9 provides that the boards shall continue in his absence, and it mutilates all these boards. On some of these boards whatever governing power is left in these commissioners should be represented. Take the board of public schools, take the fire department. This is the common ligament between them and the District, the only representation, and in order that they may not be mutilated, it is necessary that some one be designated who can act upon these boards. If this amendment be adopted, I shall propose when we come to the ninth section to strike that out, as it will be unnecessary.

Mr. ALLISON. I will say by way of suggestion to the Senator from California that these three commissioners are intended only to be temporary; that we have provided, as the Senator very well knows, for the selection of a joint committee of both Houses with a view to prepare a plan for a permanent government, and the ninth section was inserted for the very purpose of providing that these boards should be independent of this commission, and in order that it might be the duty of this commission to supervise and control and direct these several boards. All the various boards provided for in the District are virtually under the control and direction and supervision of these three commissioners, so that they all now can exercise supervisory control over these boards.

Now, with reference to the public schools there are some four district school organizations in this District; there are forty-nine trustees who are managing the schools of the District of Columbia; and the laws relating to the public schools are the most imperfect laws of any that are on the statute-books in this District, and there is no greater necessity for the revision of any laws than of those relating to the public schools. That was one object we had in requiring this joint committee to revise the entire government here.

Mr. SARGENT. I have no objection to the supervision. My amendment is not at all hostile to the idea of the bill as explained by the Senator. I do not oppose there being any such supervision over every department of the government by these commissioners. But the Senator says this is intended for a temporary purpose. That may be; but that is no reason why it should not be complete while it lasts. It may last six months, it may last a year; it may work so well that it may last longer than the committee now anticipate; probably they builded better than they knew. Certainly there must be a presiding officer of the board, and there is no reason why in addition to the general supervisory power of the commission the presiding officer of the commission *ex officio* should not have power to act on these separate boards as is now the case.



I do not want to take up the time of the Senate at this late hour in advocating the amendment; but I call attention to the fact that this does not increase the power of the commission or of any individual member of the commission. It simply provides in a proper and reasonable manner for a presiding officer of the commission.

Mr. THURMAN. The amendment itself, it is true, does not add to the power of the board or any member of it. It is simply the creation of a dignity. It is the creation of the word "governor," in this board of three plain, honest, active, intelligent men such as we hope will be appointed by the President of the United States. Sir, there is a county in the State of Ohio that has six times the area of the District of Columbia, and in that county is a city that has nearly three times the population of the city of Washington, and the affairs of that county are administered by three simple, honest men, called county commissioners; and three such men are capable of administering the affairs of this District without any such dignitaries as governor. There is no necessity whatever for this.

I do not say that this bill is perfect, but I do say that your committee, after four months of such toil as perhaps was never performed by any committee of Congress, have unanimously recommended the passage of this bill. There was not a dissenting voice; did it with full knowledge of the facts and after the most careful consideration, and as their report will show after a consideration of this subject in which there was not the slightest partisanship or politics whatever—I call upon every member of the committee to say if that statement is not true—they unanimously adopted this bill and recommended it to the two Houses. It has passed the House of Representatives with but twenty-three dissenting votes, two hundred and odd against twenty-three; and I do hope, Mr. President, unless there is some great and overruling necessity, the Senate will accept the bill as it passed the House.

I say again I do not pretend that the bill is perfect; but I do know that eight men never labored more honestly than did that committee to make a bill worthy of adoption by Congress, and I do know that temporary as it is, it is most likely to be beneficial in its effects; and the permanent form of government which will be provided by the joint committee that is to be appointed under this bill will be one, I have no doubt, that will be a blessing to the people of this District, and will be a benefit to the whole Union. The idea of this bill is that we shall do something to lift this bankrupt District out of its present distress. That is an immediate necessity. That is what in the French Assembly would necessitate a vote of urgency, that we shall do something to lift this bankrupt District out of its distress, and for that purpose appoint a temporary government, a board of audit to audit the accounts of this District, which for three years, ever since this present government was formed, have never seen the face of an auditor, have never been audited at all, the books of no department compared with the books of the other departments. It is to arrive at the very truth of the matter that this temporary government becomes a necessity, and then we may safely trust to a committee of Congress framing in the recess, and the presentation to Congress at the next session of a permanent form of government for the District, simple, economical, without dignity, without governor, without titles, of simple, honest, economical men, who will have some respect for the interests of this people, and discharge their duty in simplicity and with economy. That is the idea of this bill.

I know very well that there are difficulties in this subject, and you cannot take a step without meeting with a difficulty. We have long pondered over those difficulties and have arrived at the best solution of them that we could. And now I venture once more to express the hope that this bill will be passed as it came from the House. I again disclaim any pretense that this bill is perfection. Nothing is perfection that comes from the human mind. All I can say is that it is the result of the labors of eight men, intent upon nothing but to discharge their duties faithfully to benefit this people and also to take care of the interests, the honor, and the reputation of the United States.

The PRESIDENT *pro tempore*. One or two Senators having in the debate alluded to the vote by which this bill passed the House of Representatives, the Chair thinks that is out of order.

Mr. SARGENT. I should have made the same remark, but it is not necessary for me to repeat it. I do not think that the fact which I certainly cheerfully conceded to—

Mr. THURMAN. Allow me one word more in respect to these boards. The governor never ought to have been a member of one of them. Does the Senator from California know that at this very moment there is scarcely an officer in all this District, unless he were appointed by the President of the United States, who is not removable by the governor? The very associates on some of these boards with the governor are removable by him. Talk of that being an independent board, when he can set his fellows in that board aside by a wave of his hand! There never was any necessity for his being a member of any of these boards.

Mr. SARGENT. That consideration has no weight; for whether he was on the board or not, he had the same power. The fact that he was a member of the board gave him neither more nor less power, and he could remove any of them if he desired to do so, and it made no difference whether it was in their presence or anywhere else. That is not of any consequence.

I cheerfully concede that this committee have labored diligently and patiently, and that they have done the Senate very great service. I remember that I resisted all solicitations made to me to undergo these great labors, believing that they were enough to break down any Senator and that I could not afford the time. I thank the gentlemen who have worked on this committee so faithfully and diligently for having given up to it time which I did not think I could afford to give myself.

But with reference to the proposition I make, it is simply to provide a presiding officer for this board. It makes no difference whether you call him president of the board, which is a higher title, or governor, which is a lower title. Take the case of county commissioners of which the Senator speaks. I have no doubt in every county of his State, as it is in my own State, these officers are elected alternately for three years, one going out every year, and the oldest member of the board is the presiding officer, and he may be called by this or that title. So it is with the judges of the courts in my State and in many other States. In our State the judge who holds the longest term under the elective system is chief justice. Now you propose to appoint a board without any head. They are all appointed simultaneously and all go out together; so that there is no opportunity for this relative arrangement among them. There is no one who can call them to order, no one who can preside, no one who can direct the deliberations of the board; and I simply provide a method by which this may be done. It is an innocent proposition. The only objection that is made to it is that under it somebody or other, we do not know who, I trust an honest and energetic man, will be styled the president or governor of the board. I do not think that is a very atrocious thing, or an un-American, or un-republican or an undemocratic title. I simply ask to have a vote on the amendment, and shall not take up the time of the Senate.

Mr. HAMLIN. I want to say just one word. I concede to this committee all that they claim to have done, that they have acted faithfully, and that their bill is on the whole an excellent bill. There is, however, one provision in it which I should like to see amended. I shall not offer any amendment. I think there ought to have been some qualification in relation to the funding of the floating debt that is not found there. I think if any individual in this District could present the evidence to the board that he had been obliged to pay dollar for dollar for the indebtedness which he held in his possession, he should have it funded at what it actually cost him. But let that pass.

It is suggested that this may be temporary. It is so designed. The bill provides for the appointment of a commission or committee who shall prepare a bill and present it at the next session of Congress. Now, Mr. President, you and I and we all know that there is no assurance, no man can give an assurance, no man can know what will be the action of Congress at its next short session. What is called a temporary organization of this government may be one that is pretty long for a thing that is temporary, and being so, subject to being elongated, I think the amendment offered by the Senator from California is most appropriate. I have no sympathy with dignity or dignitaries; but I do think that that board ought to have a presiding officer, and I think the law ought to provide for that presiding officer. If it is offensive to my friend from Ohio that he should be called governor, call him president of the board, or chancellor, or anything else, so that when strangers come here they may know who is the executive officer of this government temporarily, for that temporary period of time, but which may run into years. I think it would be wise to adopt the amendment, and I shall therefore vote for it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. SARGENT. I ask for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 36; as follows:

YEAS—Messrs. Bogy, Clayton, Conover, Hamlin, Johnston, Kelly, Mitchell, Morrill of Maine, Oglesby, Patterson, Sargent, and Windom—12.

NAYS—Messrs. Alcorn, Allison, Bayard, Boreman, Boutwell, Chandler, Cooper, Cragin, Dennis, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Howe, Ingalls, McCreery, Merrimon, Pease, Pratt, Schurz, Scott, Sherman, Sprague, Stevenson, Stewart, Stockton, Thurman, Tipton, and Washburn—36.

ABSENT—Messrs. Anthony, Brownlow, Buckingham, Cameron, Carpenter, Conkling, Davis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Jones, Lewis, Logan, Morrill of Vermont, Morton, Norwood, Ramsey, Ransom, Robertson, Salisbury, Spencer, Wadleigh, West, and Wright—25.

So the amendment was rejected.

Mr. SARGENT. I offer another amendment as a substitute for section 6. To save the Clerk the trouble of reading it, as it is quite long, I will state that I have retained nearly the whole of the original section, changing only a few lines, making in fact but two small amendments in the section; but for convenience, to make one amendment of it, I offer it as a substitute. I will read the part I have changed, and then the whole amendment may be reported at the desk if Senators desire it.

The section in the original print reads:

That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit to examine and audit for settlement, &c.

The First Comptroller and Second Comptroller of the Treasury, as

is very well known, are Mr. Tayler and Mr. Brodhead, two of the hardest-working men in the Treasury Department; one of them in feeble health, and both overwhelmed. Or course it is impossible that they can discharge the multifarious duties which you proceed to lay upon them. They are to examine into all these matters, both matters growing out of damage and matters growing out of contract, and to audit everything. To show that the committee did not expect them to do it, they provide further along in this section that they may appoint accountants and assistants, &c., to examine books and papers; and then they say, it seems to me with a peculiar forgetfulness of the kind of duties they had previously laid on these parties, that these assistants—we do not know who—shall “discharge their other duties under this act.” If Senators will look at this section they will find how grave these duties are. Some unknown persons may be appointed to discharge these duties. The First and Second Comptrollers are to discharge the duties under this act, and then they are to go on and appoint these assistants and pay them anything they see fit. There is no limit. There may be a bill coming in here under this section of two, three, or five hundred thousand dollars.

Instead of saying that the First Comptroller and Second Comptroller shall constitute a board of audit, I propose to place this matter under the charge of the Secretary of the Treasury whom we have just confirmed, I am not allowed to say under the rules, I suppose, unanimously; but I can say I think that Senators from all parts of the country, and especially from his own State, who know him best, have the very highest confidence in him, and I believe it is well deserved. I propose therefore to insert these words at the beginning of the section:

That the Secretary of the Treasury shall designate three of his subordinates who shall constitute a board of audit, &c.

He may appoint the First and Second Comptrollers, if he sees fit, or any other of his subordinates, he being responsible to the Congress of the United States for the appointment of proper officers; and they can be selected with due regard to the amount of other public duties they have on hand. Then instead of the First and Second Comptrollers devolving these duties, which are merely nominally put into their hands by appointing a miscellaneous lot of assistants without any restriction as to their number or pay, I provide:

That such assistants shall be appointed by this board, subject to the approval of the Secretary of the Treasury, as they may deem necessary to make examination of such books, vouchers, and papers, and may inspect or procure the inspection of such bank-books and papers pertaining to the affairs of the District as may be necessary; and the Secretary of the Treasury is hereby authorized to pay for the services of such assistants such sums as he may deem proper.

I simply strike out that portion of the section which gives these extraordinary powers to somebody who may be appointed by the First and Second Comptrollers. I strike out from the section that portion of it which makes their compensation unlimited except by the discretion of the First and Second Comptrollers, and require that the number of these assistants shall be supervised by the Secretary of the Treasury.

Now, sir, unless it is determined as a stolid fact, not to be controverted, that no amendments shall be made in the bill, or no change whatever, I ask a decent consideration for the proposition which I have advanced. I ask that it may be voted upon on its merits; but if the policy is determined upon that there shall be no amendment whatever, notwithstanding it is shown that there are in the bill features which will not carry out the wise and beneficent intentions of the committee which reported it, then of course what I say can have no effect.

Mr. ALLISON. I only desire to say one word in reply to the amendment proposed by the Senator from California. The committee carefully considered the very question which he raises with reference to this board of audit. The First and Second Comptrollers of the Treasury are the proper officers of the United States to supervise all the accounts of the United States. Now the Government proposes, in a measure, to take charge of this debt of the District of Columbia. We pledge the faith of the United States to the payment of the interest of this debt and to the payment of the principal at maturity.

Again, we place no limitation upon the amount of this debt. We do not say that it shall be five million or six million or three million dollars; but we say that whatever it is, when these two accounting officers of the Government, who have shown by their acts hitherto that they are faithful accounting officers, put their signatures to these accounts, these accounts shall go to the sinking-fund commissioners, and there and then be converted into a bond of the District, the faith of the United States being pledged for the principal and interest.

Therefore it is that we want some responsible officers of the United States, known to Congress and to the Government, whose duty it shall be to audit these accounts. We expect of course that they will do it with fidelity and by means of supervision in a large degree, but that they must themselves be satisfied of the correctness of these accounts. That is all I have to say with reference to the amendment.

Mr. SARGENT. The Senator does not answer the point which I make. If the First and Second Comptrollers of the Treasury could attend to this matter, if there is any reason to hope that they will attend to the matter and make this supervision, then that provision of the bill would be all right. Let me read the words which I pro-

pose to strike out. After laying down their duties, the section provides that they may—

Employ one or more skillful and impartial accountants, non-residents of the District of Columbia—

That is a slur on the District of Columbia entirely unnecessary, for there must be in this District of Columbia many skillful and impartial accountants, and this clause presumes there are none—

and such other assistants as they may deem necessary, to make examination of said books, vouchers, and papers—

That would be all right if it stopped there, but it goes on— and discharge their other duties under this act, and shall procure inspection, &c.

So that the very theory of the bill is that these two officers you have named are not to do this work. Then there are these other duties, high judicial duties, accounting duties, auditing duties, to be performed by you do not know whom, by Tom, Dick, or Harry, picked up in the streets, who may be acting under prejudice, who may be entirely incompetent. That is what you propose. On the contrary, what I propose is that the Secretary of the Treasury shall appoint three men, under his supervision, whom he has confidence in, and we have confidence in him, to perform these duties, and he is to limit the compensation and the number of those who shall be employed. It is not limited in the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California [Mr. SARGENT] to the sixth section of the bill.

The amendment was rejected—ayes 4, noes not counted.

Mr. SARGENT. I now move to strike out the words which I last read. If the First and Second Comptrollers are to have these duties confided to them, let them perform them. Sir, I speak here under my right as a Senator of the United States. I point to these difficulties, I point to the fact that you are about to confide to somebody, you do not know whom, all the important duties provided in this act, and I raise my voice of warning on this matter. I move to strike out that provision which allows a miscellaneous crowd, you do not know who, to come in and discharge all the duties required to be performed under this act.

Mr. THURMAN. I have one word to say. The Senator entirely misconstrues the bill. It is not to provide that these subordinates shall discharge the duties of their principals at all, but only that these Comptrollers may appoint as many assistants as are necessary to enable them to make the examination and to enable them—these Comptrollers—to discharge their duties.

Mr. SARGENT. Has the Senator any objection to striking out the words “and discharge their other duties under this act?”

Mr. THURMAN. The meaning of the bill is sufficiently clear to enable them to discharge their duties.

Mr. SARGENT. If that is the meaning of the bill, then two and two make six and black is white. The language is, “and discharge their other duties under this act.”

Mr. ALLISON. The Senator will allow me one moment. The object of that provision is simply that these skillful accountants shall be non-residents of the District of Columbia, and I will say the chief object of having these skillful accountants is to examine the accounts of the treasurer of the board of public works; and that is all there is in it. I would have no material objection to striking that out if it were not for the fact that it would compel the bill to go back to the House. I do not consider it very material. I trust the Senator will not press the amendment.

Mr. SARGENT. I certainly do press the amendment to strike out the words “and discharge their other duties under this act,” and the Senator confesses it is correct. If the bill simply required these persons to examine the books, that would be all right; but that is not it. The accountants and assistants are all mixed together, and they are to discharge all the duties imposed upon the First and Second Comptrollers. If any Senator believes that is right, let him vote against the amendment. If any Senator believes we are at a stage of the session where we cannot listen to reason, let him vote me down. I do not believe any such thing. We can sit here all summer if it is necessary. We have ample time between now and the 22d to dispose of this bill, and of all the legitimate business before Congress. There is no necessity for undue haste, and there is no necessity for putting this important judicial power in the hands of a rabble, you do not know who, and whom you do not name in your bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HAMLIN. I now move that the Senate proceed to the consideration of executive business.

Mr. MITCHELL. Will the Senator allow me—

Mr. HAMLIN. I will not give way to anybody.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to.

POLITICAL DISABILITIES OF THOMAS CLAIBORNE.

Mr. COOPER. While the doors are being closed, I ask the Senate to proceed to the consideration of House bill No. 3417.



By unanimous consent, the bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present agreeing thereto.

#### EXECUTIVE SESSION.

Mr. HAMLIN. I insist on proceeding to the consideration of executive business. I object to doing any legislative business in executive session.

The Senate thereupon proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell.

The message also announced that the House had passed the bill (S. No. 784) authorizing the transfer of gold mint bars from the billion fund of the assay office, New York, to the assistant treasurer at New York, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872;

A bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873;

A bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes;

A bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased;

A bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

A bill (H. R. No. 3756) to appoint a commission to establish the rights of the former slaves in the Choctaw and Chickasaw countries, and their descendants, and to submit the same to Congress;

A bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory; and

A bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade.

The message also returned, in compliance with the request of the Senate, the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

#### JOHN W. NORTON.

On motion of Mr. RAMSEY, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau.

The preamble recites that John W. Norton, a clerk in the money-order division of the post office at New York, known and styled as superintendent of the money-order department of that post-office, did, on or about the 3d of August, 1871, acknowledge himself to have embezzled and appropriated to his own use certain moneys of the United States, being money-order funds, amounting to \$115,428.71, more or less; that John W. Norton, and Marian O. Norton, his wife, did, by deed dated August 4, 1871, convey to Abram Wakeman, of the city of New York, certain real estate situated in and near the city of Plainfield, in the State of New Jersey, with the intent and object that the same should be sold and the proceeds applied to the payment of this indebtedness; that Abram Wakeman, and Mary H. Wakeman, his wife, did, by deed dated May 12, 1873, convey the same real estate in trust to Patrick H. Jones, of the city of New York, which trust is expressed in the following words:

In trust, nevertheless, and to and for the following uses and purposes, to wit: To take possession of and control of said premises, and without delay and with all reasonable diligence to sell the same at public auction or private sale for the most moneys that can be reasonably gotten therefor, and with and from the proceeds of such sale, after payment of all lawful costs, charges, and expenses in and about said trust, to pay to Hon. John A. J. Creswell, as Postmaster-General of the United States of America, or to his successor or successors in office, all indebtedness of said party of the second part to said United States, incurred by him as late deputy postmaster of the United States at the city of New York, by reason of any and all defalcations of said John W. Norton as such superintendent as aforesaid, so far as such moneys will pay the same.

The resolution, in order to confirm and make valid the sale or sales of the real estate made or thereafter to be made in pursuance of the trust, authorizes the Postmaster-General to join Patrick H. Jones in the conveyance or conveyances of the real estate in pursuance of the trust, retaining the liability of Jones and of his sureties upon his official bonds as postmaster at New York by reason of the defalcation,

except so far as the amount may be diminished by the amount received by the United States from the real estate.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads move to amend the joint resolution by striking out all after the enacting clause and inserting the following:

That whenever any such sales under such trust shall be made, the Attorney-General of the United States may, upon the written agreement of the said Jones and his sureties and the sureties of said Norton, that the same may be done without discharging or in any wise affecting their respective liabilities in the premises, discharge the purchaser of any of said property under such sales from any obligation to see to the application of the purchase-money thereof.

Mr. DAVIS. How much is involved?

Mr. RAMSEY. One hundred and fifteen thousand dollars. This bill is to secure it to the Government.

The amendment was agreed to.

Mr. DAVIS. I should like to know how we shall get back that amount by this bill.

Mr. RAMSEY. I will tell the Senator. This is a House bill; it is not a new bill of our own, but it is approved by the committee. The subject has been examined by the Senator from Vermont [Mr. EDMUNDS] who is absent, and everybody knows how eminently critical that Senator is.

Mr. DAVIS. Had we not better let it lay aside until the Senator from Vermont comes back?

Mr. RAMSEY. That Senator approved and drew up the substitute. It is the only way you can get back the money.

Mr. DAVIS. I have not yet understood how we are to get the money back.

Mr. RAMSEY. I will tell the Senator. The Senator from Vermont is absent and the Senator from West Virginia has taken his place in being critical. This man Norton was the money-order clerk in the post-office in the city of New York. He became a defaulter for the amount of about \$115,000. He had sureties of course which he gave to the postmaster of New York. He conveyed this property to his sureties and they in turn conveyed it to the postmaster of New York, General Jones. General Jones now has an opportunity of selling the property conveyed to him in trust and realizing money out of it so as to save the United States. The purchasers say, "Unless you make it secure that this money will go to the United States, we will not take the property." The bill and amendment are to provide for that. That is all.

Mr. DAVIS. As the Senator has put me in the place of the Senator from Vermont, let me ask, did the Senator from Vermont examine the bill and approve it?

Mr. RAMSEY. Yes, sir; he drew the substitute which the committee reported. By no possible means can the United States lose money, and the securities will not be released till the Government is indemnified.

Mr. DAVIS. What committee does it come from?

Mr. RAMSEY. The Committee on Post-Offices and Post Roads.

Mr. DAVIS. How did the Senator from Vermont come to be connected with it?

Mr. RAMSEY. The Senator from Vermont is a very critical gentleman, and for fear that he might make objection to the language of the resolution, I submitted the matter to him and he gave it his approval.

Mr. DAVIS. I understand the Senator from Vermont approved it?

Mr. RAMSEY. Yes, sir.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

#### WILLIAM G. JONES.

Mr. GOLDTHWAITE. I move to take up for consideration House bill No. 2701.

The motion was agreed to; and the bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

#### CONGRESSIONAL ELECTION IN MISSISSIPPI.

Mr. PEASE. I move to take up House bill No. 3332. It is a simple bill to fix the time for holding the election of Congressmen.

The motion was agreed to; and the bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi was considered as in Committee of the Whole. It provides that the election for Representatives in the Forty-fourth Congress from the State of Mississippi shall be holden on the first Tuesday after the first Monday in November, 1875, anything in the constitution or laws of that State to the contrary notwithstanding.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. FRELINGHUYSEN. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and fifty-four minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, June 18, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of yesterday; when, On motion of Mr. PARKER, of Missouri, the further reading was dispensed with.

JAMES HOWARD.

Mr. PARKER, of Missouri. I move that the rules be suspended and that a bill to remove the disabilities of James Howard, of Baltimore, Maryland, be passed.

The bill was read. It removes all political disabilities imposed upon James Howard, of Baltimore, Maryland, by the fourteenth amendment to the Constitution of the United States by reason of participation in the rebellion.

The motion to suspend the rules was seconded; the rules were suspended, (two-thirds voting therefor,) and the bill (H. R. No. 3745) was passed.

## BURLINGTON AND MISSOURI RIVER RAILROAD.

Mr. HOLMAN. I desire to offer a resolution asking for information from one of the Departments, which I think will not require a suspension of the rules.

The Clerk read as follows:

*Resolved*, That the Secretary of the Interior be, and is hereby, directed to transmit to the House copies of all decisions, correspondence, and other papers on file in his Department relating to the claim of the Burlington and Missouri River Railroad Company for lands outside of the limits of the grant of lands made by the nineteenth section of the act of July 2, 1864, to aid in the extension of their road in Nebraska from the Missouri River to a junction with the Union Pacific Railroad at Fort Kearney, and to inform the House how many acres of land, if any, lying at a greater distance than twenty miles from the line of said road on each side thereof, have been patented to said company.

There being no objection, the resolution was adopted.

Mr. HOLMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PUBLIC BUILDING AT COVINGTON, KENTUCKY.

Mr. ARTHUR. I move that the rules be suspended, and that a bill to amend the act entitled "An act for the erection of a public building for the use of the United States, in Covington, Kentucky," be passed.

The bill was read. It amends the act entitled "An act for the erection of a public building for the use of the United States in Covington, Kentucky," approved February 18, 1873, so that the sum of money authorized to be expended in the construction of said building shall be fixed at \$250,000. The bill further repeals all restrictions as to the material of which said building shall be composed.

The second section provides that any sum of money in excess of the amount named in the act shall be expended in the construction of said building, and repeals all acts and parts of acts inconsistent with the provisions thereof.

Mr. ARTHUR. I send to the desk a letter from the Secretary of the Treasury, and ask the Clerk to read it.

Mr. WILLARD, of Vermont. I do not consent to that unless debate can be allowed. I object to the reading of the letter.

Mr. ARTHUR. I have no objection to debate being allowed. I ask that the paragraph of the letter which is marked in the margin may be read.

There was no objection, and the Clerk read as follows:

THE TREASURY DEPARTMENT,  
Washington, D. C., May 27, 1874.

Hon. JAMES H. PLATT,  
Chairman Committee on Public Buildings and Grounds,  
House of Representatives:

The act authorizing the erection of a public building at Covington, Kentucky, limits its cost to \$100,000, and requires it to be constructed of brick. I desire to call the attention of your committee to the fact that the brick manufactured in the vicinity of Cincinnati are not suitable for the facing of such a building, and that the facing brick of all important public buildings and private residences of that city are procured in other cities and transported thereto at a great cost. I also desire to inform your committee that an excellent quality of freestone can be furnished at much lower rates than facing brick. I would therefore most earnestly recommend the repeal of the restriction in regard to the material, and the increase of the appropriation to \$250,000, which is in my opinion the least sum for which a suitable building can be erected.

WM. A. RICHARDSON,  
Secretary.

The question was on seconding the motion to suspend the rules.

The SPEAKER. The Chair directs the division to be taken by tellers; and appoints the gentleman from Vermont, Mr. WILLARD, and the gentleman from Kentucky, Mr. ARTHUR.

The House divided; and the tellers reported ayes 70.

Mr. WILLARD, of Vermont. I do not ask for further count on the motion to suspend the rules.

So the motion to suspend the rules was seconded.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken; there were—ayes 74, noes 39; no quorum voting.

Tellers were ordered under the rule; and Mr. WILLARD, of Vermont, and Mr. ARTHUR were appointed.

The House again divided; and the tellers reported—ayes 92, noes 30; no quorum voting.

Mr. WILLARD, of Vermont. I do not ask for a further count by tellers, but call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 27.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

## POST-OFFICE APPROPRIATION BILL.

Mr. GARFIELD. I move that the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, with amendments by the Senate, be taken from the Speaker's table and referred to the Committee on Appropriations, and that it be printed with the Senate amendments.

The motion was agreed to.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I rise to present the report of the committee of conference on the legislative, executive, and judicial appropriation bill; but I have no objection to yielding for a few references if they will not occupy much time.

## RAILROAD IN LOUISIANA.

Mr. MOREY, by unanimous consent, introduced a bill (H. No. 3746) extending the time for the completion of a railroad in the State of Louisiana from the Texas State line to a point on the Mississippi River opposite Vicksburg, Mississippi; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

## E. BOYD PENDLETON.

Mr. HAGANS, by unanimous consent, introduced a bill (H. R. No. 3750) for the relief of E. Boyd Pendleton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

## COMPENSATION OF COMMITTEE CLERK.

Mr. ARCHER. I am instructed by the Committee on Accounts to offer the following resolution:

*Resolved*, That the compensation of the clerk of the Committee on Invalid Pensions be the same as that paid to the clerk of the Committee on Claims.

Mr. NIBLACK. I would ask the gentleman why he does not state in the resolution the amount to be paid?

Mr. ARCHER. The amount is six dollars a day.

Mr. NIBLACK. I think that ought to be stated in the resolution. However, I make no objection.

The resolution was agreed to.

## PARTIES IN THE COURT OF CLAIMS.

Mr. POLAND, by unanimous consent, from the Committee on Revision of the Laws of the United States, reported back, with the recommendation that it do pass, the bill (H. R. No. 3478) in relation to parties in the Court of Claims.

The bill, which was read, provides that in all cases pending in the Court of Claims, where a new or additional party or parties may be necessary to a complete determination of the case, or necessary to protect the interests of the United States, the court shall have power to order any such person or corporation to be made a party or parties, and to issue process to the marshal of any district or Territory in which such corporation may be located, or such person reside, or be found; and it shall be the duty of such marshal to serve and return the same as other process. And if any such person or corporation be a non-resident of the United States, service may be made by publication of notice in such manner as the court may order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## JACOB LEIBY.

Mr. PACKER, by unanimous consent, introduced a bill (H. R. No. 3751) for the relief of Jacob Leiby, of Dauphin County, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## CURRENCY AND FINANCE.

Mr. MARSHALL, by unanimous consent, introduced a bill (H. R. No. 3752) to provide for retiring the national-bank circulation, to prevent oppressive contraction or undue expansion of the currency, restore prosperity to the country and provide for an early resumption of specie payments by the Government; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## ROBERT L. MCCONNAUGHY.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 3753) for the relief of Robert L. McConnaughy, of Morgantown, North



Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### SESSION FOR DEBATE.

Mr. BUTLER, of Massachusetts. I desire to renew the request that I made last evening, having been requested to do so by many gentlemen, that to-morrow evening, if not desired by the Committee on Appropriations, be set apart for general debate, no business whatever to be transacted.

Mr. GARFIELD. I must object unless an exception be made in favor of the business of the Committee on Appropriations.

The SPEAKER. The gentleman from Massachusetts makes the request subject to the business of the Committee on Appropriations.

Mr. HOLMAN. I hope there will be no objection to it.

Mr. DUNNELL. I object.

Mr. BUTLER, of Massachusetts. I move to suspend the rules.

The SPEAKER. There is one motion to suspend the rules already pending.

#### JACOB SPENCER AND JAMES R. MEAD.

Mr. LOWE, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3754) for the relief of Jacob Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### DELAWARE INDIANS.

Mr. RICHMOND, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3755) to authorize payment to the Delaware Indians of the amount awarded under the provisions of the treaty of July 4, 1873; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. SENNER. I call for the regular order of business.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I submit a report from the committee of conference on the legislative, &c., appropriation bill.

Mr. HOLMAN. Has the report been printed?

Mr. GARFIELD. It is printed in the RECORD of this morning.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 12, 17, 18, 19, 49, 52, 63, 65, 69, 77, 91, 92, 94, 98, 101, 102, 106, 108, 113, 138, and 139.

That the House recede from their disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 29, 38, 45, 47, 48, 51, 53, 55, 56, 57, 58, 59, 60, 61, 62, 67, 70, 73, 74, 79, 80, 81, 85, 86, 87, 88, 89, 90, 103, 115, 117, 118, 123, 127, 128, 133, 134, 140, and 142, and agree to the same.

That the House recede from their disagreement to amendment numbered 11, and agree to the same with an amendment striking out the words "and eighty-eight;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 13, and agree to the same with an amendment striking out "five hundred and eighty-four" and inserting in lieu thereof "four hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same with an amendment striking out "forty-two thousand seven hundred and sixty-eight" and inserting "thirty-seven thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 15, and agree to the same with an amendment striking out "eight thousand two hundred and fifty-six," and inserting "two thousand six hundred;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the twenty-first amendment, and agree to the same.

That the House recede from their disagreement to the amendment numbered 22, and agree to the same with an amendment striking out "2,560," and inserting "6,816;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 23, and agree to the same with the following amendment:

Substitute for the words stricken out the following:

*Provided*, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the thirty-seventh amendment, and agree to the same.

That the House recede from their disagreement to the amendments of the Senate numbered 39, 40, 41, 42, 43, and 44, with an amendment as follows: In lieu of the words proposed to be inserted by said Senate amendments insert, after striking out the text of the bill from the word "dollars," in line 3, page 13, of the bill, down to and including the word "each," in line 7, same page, the following: "One principal clerk of warrants and appropriations, \$13,000; seven principal clerks, at \$2,800 each; eight assistant clerks, at \$2,400 each;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 46, and agree to the same with an amendment, as follows: Strike out "6,003" and insert in lieu thereof "two thousand one;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 50, and agree to the same with an amendment striking out "5,004" and inserting "2,006;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 54, and agree to the same with an amendment striking out "8,002" and inserting "5,004;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 64,

and agree to the same with an amendment as follows: Strike out "1,008" and insert "1,006;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 66, and agree to the same with an amendment as follows: Strike out "eight" and insert "five," and after the word "each" in line 4, page 18 of the bill, insert the words "one stenographer, at \$2,000;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 68, and agree to the same with an amendment as follows: Strike out the word "twenty," and insert in lieu thereof the word "eighteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 71, and agree to the same with an amendment as follows: Strike out the word "fifteen," and insert in lieu thereof the word "fourteen;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 72, and agree to the same with an amendment as follows: Strike out "51,140," and insert in lieu thereof "43,540;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 75, and agree to the same with an amendment as follows: In line 18, page 18 of the bill, strike out the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 82, and agree to the same with an amendment as follows: Strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 83, and agree to the same with an amendment, as follows: Strike out "16,500" and insert in lieu thereof "15,780;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 84, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 93, and agree to the same with an amendment as follows: Strike out "18" and insert "16;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out the words "three thousand" and insert in lieu thereof the words "two thousand eight hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 96, and agree to the same with an amendment as follows: Strike out "3,000," and insert in lieu thereof "2,800;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out the word "nine" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 105, and agree to the same with an amendment as follows: Strike out the words "ninety-eight thousand four hundred," and insert in lieu thereof "seventy-two thousand;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: In line 23, page 35 of the bill, strike out the word "five" and insert the word "six," and in the same line strike out the word "three" and insert the word "four;" and strike out all after the word "dollars" in line 25, (same page,) down to and including the word "dollars" in line 26; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Substitute in lieu of said amendment the following: After the word Department, in line 18, page 37 of the bill, insert the words "in the city of Washington;" and strike out the words "Ordinance and Adjutant-General's Office" from said amendment, and after the word "duties," line 21, same page, insert the following:

*Provided*, That the Adjutant-General is authorized to retain during the next fiscal year, and no longer, such portion of his force of employes now on duty in his office, as may be actually necessary for the service thereof; but no new enlistments shall be made into the general service; and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department.

And the Senate agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment of the Senate numbered 112, and agree to the same.

That the House recede from their disagreement to the amendment numbered 125, and agree to the same with an amendment as follows: Strike out the words "five hundred;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 131, and agree to the same with an amendment as follows: In lieu of "fifteen" substitute "ten," and after the word "dollars," in line 14, page 55 of the bill, add the following: "That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 135, 136, and 137, and agree to the same with amendments as follows: Insert in lieu of the matter proposed to be inserted by said amendment, after striking out of the text of the bill all after the word "Treasury," in line 20, page 56, down to and including the word "each," in line 22, that has not already been stricken out by said amendment, the following: "two principal clerks, at \$2,800 each; two assistant clerks at \$2,400 each;" and strike out "3,503" and insert "3,409;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 141, and agree to the same with an amendment as follows: Strike out "six" and insert "nine;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 143, and agree to the same with an amendment as follows: Strike out "28,008" and insert "14,007;" and in line 9, page 57 of the bill, strike out "60" and insert "60;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 145, and agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted by the Senate the words "this provision shall not apply," in line 1, and insert in lieu thereof the following: "This provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress and this provision shall not apply;" after the word "Congress," in line 14, insert the following: "with his annual estimates;" and the Senate agree to the same.

JAMES A. GARFIELD,  
S. W. KELLOGG,  
SAMUEL J. RANDALL,  
*Managers on the part of the House.*

LOT M. MORRILL,  
A. A. SARGENT,  
H. G. DAVIS,  
*Managers on the part of the Senate.*

Mr. GARFIELD. I will make a brief statement, and then if there are any questions to be asked I will yield for them. There were one hundred and ten differences between the Senate and the House, when the conference committee met. On twenty-one of those the Senate recedes absolutely; on forty-four the House recedes; on forty-five the two Houses meet by concurring with amendments, and I believe on the whole a pretty fair result has been reached.

The Senate, it will be remembered, was very strongly opposed to the reduction of clerical force in the Executive Departments to the extent to which the House carried it, and in some instances the House committee was satisfied that they had perhaps cut too deep, and where we were satisfied of that fact we gave way cheerfully. The bill as we now bring it into the House under the conference report appropriates \$117,320 less than it did when it went into the conference; that is to say, we have made that much difference in favor of reduction by insisting on the views of the House. That makes the bill as it stands reported by the committee appropriate \$21,003,474.80, being an increase above what it was when it went out of the House of a little more than half a million dollars; but almost a quarter of a million of that amount is for official postage, which is rather a matter of book-keeping than of actual expense. Aside from the postage the bill has about \$250,000 more in it as it now stands and as it will become a law if the report is agreed to than it had when it left the House; but it also, as I have said, appropriates \$117,000 less than it did when it passed the Senate.

Mr. CONGER. I wish to ask a question.

Mr. GARFIELD. Very well.

Mr. CONGER. Of course we cannot understand from the reading of the report of the committee of conference without a bill, and I am not able to obtain a copy, what is the effect of this report. I desire to call the attention of the chairman of the Committee on Appropriations [Mr. GARFIELD] to two points. The report recommends in regard to the one hundred and ninth amendment of the Senate the adoption of the following proviso:

*Provided, That the Adjutant-General is authorized to retain during the next fiscal year, and no longer, such portion of his force of employés now on duty in his office, as may be actually necessary for the service thereof; but no new enlistments shall be made into the general service; and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department.*

Now, with my understanding of that proviso, it would prevent any increase in the Signal Service Corps.

Mr. KELLOGG. The signal service is excepted in the body of the bill.

Mr. CONGER. I do not know that that is so; I have not the bill before me. I wish to have it understood whether this proviso will prevent the increase of new signal stations and observers in the Signal Service Corps.

Mr. GARFIELD. Not at all. The whole subject of enlarging the signal service is in the sundry civil appropriation bill. This only relates to the clerical force in the city of Washington.

Mr. CONGER. This says that there shall be no increase in any office in the War Department.

Mr. GARFIELD. The Department here in Washington.

Mr. CONGER. Then in regard to the last amendment. The recommendation is that the House recede from their amendment to the amendment of the Senate No. 147 and agree to same with an amendment as follows:

*This provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress and this provision shall not apply.*

I desire to know whether those appropriations mentioned will be absolutely excluded from the operation of the general provision restoring unexpended balances to the Treasury?

Mr. GARFIELD. They will absolutely.

Mr. STORM. I desire to inquire whether the committee of conference in regard to the twenty-third amendment of the Senate, in relation to the Public Printer, did not feel themselves bound to obey the unanimous vote of the House and non-concur in the Senate amendment? The vote of the House was unanimous to non-concur in the amendment.

Mr. GARFIELD. The gentleman is aware that there are two Houses of Congress, and they are peers. If one votes one way all the time and one another way there never would be an agreement. According to the old Shakespearean doctrine, when two ride the same horse one must ride behind. We did not surrender all that the House wanted, nor did the Senate surrender all that the Senate wanted. The House had resolved to abolish the office of Congressional Printer and re-establish the office of Public Printer, and by their action they legislated the Congressional Printer out of office. To that the Senate objected, particularly to legislating an individual out of office. We therefore agreed that the office of Public Printer should be created, and that when the first vacancy occurred in the office of Congressional Printer, then the law as the House passed it should thereafter be in force; but that it should not go into effect until a vacancy occurred. The House has succeeded in changing the law, but the Senate has delayed the operation of the law until the occurrence of a vacancy.

Mr. STORM. Then it will be impossible ever to get the Congressional Printer out of office.

Mr. DONNAN. As I understand the present law, the term of the present Congressional Printer expires with this Congress; he is elected by the Senate at the commencement of each Congress. I cannot now turn to the enactment.

Mr. STORM. The gentleman is mistaken.

Mr. DONNAN. I think not. That being so, the Congressional Printer's term will expire with the expiration of the present Congress.

Mr. STORM. Was he re-elected at the commencement of this Congress?

Mr. DONNAN. I think he has been elected at the commencement of each Congress. If that be so, I am satisfied with the action of the committee of conference. If he holds indefinitely, then I hope the House will stand by its former action.

Mr. GARFIELD. I do not know how that is.

Mr. HOLMAN. There has been no re-election of the Congressional Printer since he was first elected.

Mr. GARFIELD. I do not know how that is. I will say to the House that the conferees on the part of the House held out just as long as we were satisfied there was any use in holding out. The Senate were very reluctant to change the law at all any way.

Mr. STORM. Of course they were.

Mr. GARFIELD. And it was with a great deal of difficulty that any change was effected. But it seemed to us to be a measure of justice not to legislate a man out of office.

Mr. STORM. You legislated the whole District government out of office yesterday.

Mr. GARFIELD. If he should be legislated out of office the President could instantly reappoint him, and it would probably work no practical difference. The whole theoretical difference of having him a public officer instead of an officer of the Senate is gained by this report.

Mr. STORM. If I had been upon that conference committee I would have forced the issue upon the very fate of the bill.

Mr. GARFIELD. I do not think we should have done that.

Mr. HOLMAN. I would ask the gentleman if the result of the action of the committee of conference has not been to nullify the action of the House in regard to the number of employés, and to restore the old number of employés?

Mr. GARFIELD. The Senate nullified pretty much all that the House had done in regard to cutting down the force in the War Department, by saying that there should be an exception made of the Ordnance Office and Adjutant-General's Office. The question having gone to the conference, the Adjutant-General stated that he had not understood that the whole reduction of force was to be made at once; that if he had so understood he would have opposed it as cutting too deeply into the force of his office. He showed us, furthermore, that there has been, under recent laws, a large increase of the pension business, and that every pension claim, before being acted on by the Pension Office, must be sent to his office, where the rolls are gone over, the case carefully examined, and a report made thereon. This is one reason of so large a number of clerks being required.

We finally made a compromise by striking out the Ordnance Office altogether and allowing the Adjutant-General to keep his force of enlisted men from the general service during the current year and no longer, provided that there shall be no increase whatever in the force.

Mr. HOLMAN. Then for the present fiscal year the force of employés with their increased salaries remains substantially unchanged.

Mr. GARFIELD. In that one office; in no other office of the War Department.

Mr. HOLMAN. But the increased salaries voted by the House and the Senate were retained.

Mr. GARFIELD. I believe they were.

Mr. HOLMAN. I hope that the twenty-third amendment, with reference to the Congressional Printer, will be read, that the House may vote distinctly whether it considers it consistent with its honor that the printing of Congress should be any longer under the control of a single branch of the legislative department.

Mr. STARKWEATHER. I wish to put a single question to the chairman of the committee, [Mr. GARFIELD.] What has been done by the conference committee in regard to the hours of labor in the Departments?

Mr. GARFIELD. That subject is left in this way: The Secretaries or heads of the various Departments, whenever the public business requires it, are to work their clerks longer than they now work them, provided that the hours of labor do not exceed the limits of the law. In other words, they are required to extend the hours of labor within the limits of the present law sufficiently to do the business of the Departments. Furthermore, it is required that they shall reduce the force in any Department or Bureau whenever the proper performance of the public business will allow it.

Mr. KELLOGG. My colleague [Mr. STARKWEATHER] will notice that the provision with reference to requiring work in the Departments longer than six hours applies only to clerks of class one and above that grade, not to other employés. It does not apply to counters, copyists, and other employés of that kind. Many of the clerks are now occupied more than six hours when the business of the Department requires it, and we do not change the law at all on that point. I never should have consented to any report requiring counters of currency in the Treasury Department, or copyists in the Departments, to work more hours than they now do; for I believe that



kind of work is hard enough with the present salary and the present regulations as to the hours of service.

One word in regard to the point suggested by my friend from Indiana [Mr. HOLMAN] in regard to the Adjutant-General's Office and the Ordnance Department. The majority of the committee were satisfied that the Ordnance Office should have twelve or thirteen more men, though that is left out in the report; because thereby not a dollar would be added to the expense of the service; the enlisted force in the Ordnance Department would not be increased at all; the only effect would be that twelve or thirteen men not needed elsewhere would be assigned to duty in Washington when they are needed.

Mr. HOLMAN. But it was not necessary that there should be any increase of salaries.

Mr. KELLOGG. The salaries are not changed or increased at all. We do not provide for one dollar's increase of salary. The law provides for the separate enlistment of four hundred and twenty-five men for the Ordnance Department, and a few of these men are needed in Washington, and ought to have been included in the report of our committee of conference.

Mr. HOLMAN. What has been done in regard to the salaries of chief clerks in the office of the Secretary of the Treasury? Are they not increased?

Mr. KELLOGG. They are not increased a dollar. We have cut down the salaries of those men \$200 below what they have been for years past, except the clerk of estimates and appropriations; and I think it a mistake to cut them down.

Mr. HOLMAN. I understand that the amount now fixed is an increase.

Mr. KELLOGG. Not at all; because there has been a fund out of which a portion of their salaries has been paid ever since the war, a fund appropriated for the express purpose of paying these salaries, and my friend has been here years before I came here, when this was being done every year. The pay of fourth-class clerks was fixed years ago, long before the war. I say to my friend from Indiana that no competent men can be found to fill the important positions in the Treasury Department at a salary of \$1,800 a year. We ought not to ask it.

Mr. GARFIELD. I yield now to the gentleman from Iowa, [Mr. DONNAN,] chairman of the Committee on Printing, to explain in reference to the status of the Congressional Printer.

Mr. DONNAN. In regard to the question as to the term for which the Congressional Printer holds his office I send up to the Clerk's desk to be read section 3821 of the Revised Code.

The Clerk read as follows:

SEC. 3821. The Congressional Printer shall hold his office for the term of two years, commencing with the first day of each Congress; shall receive a salary at the rate of \$4,000 a year, and shall give bond, for the faithful discharge of his duties, in the penal sum \$80,000, with two sureties to be approved by the Secretary of the Interior.

Mr. DONNAN. I understand that to be the law now and I think it ought to be satisfactory to gentlemen.

Mr. GARFIELD. According to that, then, he goes out at the end of this Congress.

Mr. STORM. The gentleman is mistaken in regard to that.

Mr. POLAND. The gentleman from Iowa is entirely mistaken as to the law.

Mr. DONNAN. I supposed the revision furnished us was correct.

Mr. POLAND. That is not the revision the committee furnished. It is the revision the commissioners made. There is no provision in the law about the term of two years.

Mr. STORM. Then the gentleman did not read from the Revised Statutes?

Mr. POLAND. The Revised Statutes read as follows:

The Congressional Printer shall receive a salary at the rate of \$4,000 a year, and shall give bond for the faithful discharge of his duty in the penal sum of \$80,000, with two sureties to be approved by the Secretary of the Interior.

The term of two years found in that section as reported by the commissioners was struck out as it was not the law. That was the original term of the Congressional Printer, but when he was made an officer of the Senate that portion of the law was repealed. The commissioners made an error in putting that in their revision and it is one of the errors uncorrected.

Mr. DONNAN. If the revision as put upon our tables is incorrect, then the point remains, and the Senate insist on retaining their provision. Therefore, sir, I shall stand by my original position, and hope the House will agree to the motion of the gentleman from Pennsylvania [Mr. STORM] and insist upon a further conference.

Mr. GARFIELD. I demand the previous question.

Mr. RANDALL. As one of the conferees, I merely wish to say in reference to this question of the Congressional Printer that the Senate is not entirely to blame. The act of the 22d of February, 1867, which makes provision for the election of the Congressional Printer by the Senate, was agreed to by this House. It could not now be the law if the House had not consented to it. The House yielded up the question at that time to the Senate absolutely, the object being to strike a blow at the then President of the United States, Andrew Johnson, and strip him of this and all other patronage. As will be seen, this action now returns to plague its inventors.

I wish only to say, so far as I am concerned, I dissented from the beginning to the end from the Senate proposition and was for adher-

ing to the proposition of the House, but after five days and more of struggle it became manifest the Senate never would yield entirely at this time, and some compromise was therefore necessary to pass the bill.

Mr. GARFIELD. I demand the previous question.

The previous question was seconded, and the main question was ordered.

The question recurred on the adoption of the report of the committee of conference.

The House divided; and there were—yeas 120, nays 32.

So the report of the committee of conference was adopted.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, notifying the House that that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the bill (H. R. No. 3166) to correct the date of commission to certain officers of the Army.

It further announced that the Senate had passed bills of the House of the following titles without amendment:

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin;

An act (S. No. 526) for the relief of James De Long;

An act (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service; and

An act (H. R. No. 2898) for the relief of J. & W. R. Wing, of New Bedford, Massachusetts.

It further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

An act (S. No. 775) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon.

It further announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

An act (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery; and

An act (H. R. No. 3522) to extend the jurisdiction of the Light-House Board.

#### PUBLIC BUILDING, COVINGTON, KENTUCKY.

THE SPEAKER. The question now recurs on the motion to suspend the rules and pass the bill reported by the gentleman from Kentucky, [Mr. ARTHUR,] being an act to amend an act entitled "An act for the erection of a public building for the use of the United States in the city of Covington, Kentucky," on which the yeas and nays were ordered.

Mr. ARTHUR. I ask to have the letter from the Secretary of the Treasury read.

Mr. WILLARD, of Vermont. The yeas and nays have been ordered. I object to debate.

The question was taken; and it was decided in the affirmative—yeas 154, nays 65, not voting 70; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barry, Beck, Begole, Bell, Berry, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Burleigh, Benjamin F. Butler, Roderick R. Butler, Caldwell, Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crouse, Crutchfield, Darrall, Donnan, Dunnell, Durham, Eames, Eldredge, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, John W. Hazelton, Hendee, Hereford, Herndon, George F. Hoar, Hodges, Hunton, Jewett, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamson, Leach, Lotland, Lowndes, Luttrell, Maynard, Alexander S. McDill, MacDougall, McLean, Milliken, Mills, Moore, Morey, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Orr, Packard, Hosea W. Parker, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Rainey, Randall, Ransier, Ray, Read, Rice, Richmond, Robbins, James C. Robinson, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sessions, Shents, Sloan, Sloss, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Southard, Spear, Standiford, Stone, Storm, Strait, Swamp, Townsend, Tremain, Vance, Wallace, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, and John D. Young—154.

NAYS—Messrs. Albert, Albright, Barrere, Biery, Bundy, Burchard, Burrows, Cannon, Cason, Cessna, Freeman Clarke, Clements, Stephen A. Cobb, Corwin, Cotton, Danford, Duell, Foster, Garfield, Gunkel, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Holman, Hoskins, Hunter, Hyde, Kasson, Killinger, Lawrence, Lawson, Loughbridge, Magee, Martin, James W. McDill, McNulta, Merriam, Monroe, Orth, Packer, Page, Isaac C. Parker, Phelps, Thomas C. Platt, Pratt, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Sherwood, A. Herr Smith, John Q. Smith, Sprague, Starkweather, Strawbridge, Thornburgh, Todd, Tyner, Waldron, Marcus L. Ward, Wilber, Charles W. Willard, Charles G. Williams, and James Wilson—65.

NOT VOTING—Messrs. Barnum, Bliss, Bland, Cain, Amos Clark, jr., John B. Clark, jr., Clayton, Clinton L. Cobb, Cox, Curtis, Davis, Dawes, DeWitt, Dobbins,

Eden, Elliott, Farwell, Field, Fort, Freeman, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Havens, Hersey, Hooper, Houghton, Howe, Hubbell, Harbut, Hynes, Lampert, Lansing, Lewis, Lowe, Lynch, Marshall, McCrary, McJunkin, McKee, Mitchell, Morrison, Niles, Parsons, Potter, Purman, Rapier, William R. Roberts, Isaac W. Seudder, Shanks, Sheldon, Lazarus D. Shoemaker, Small, William A. Smith, Snyder, Stanard, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, Walls, Jasper D. Ward, Whiteley, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—70.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill (H. R. No. 3747) was passed.

#### PUBLIC BUILDING AT BROOKLYN, NEW YORK.

Mr. CROOKE. I move that the rules be suspended and that a bill directing the Secretary of the Treasury to report upon the necessity of a public building at Brooklyn, New York, and the cost of the same, be passed. This bill involves no expenditure of money whatever.

The bill which was read, directs the Secretary of the Treasury to report to Congress at the beginning of its next next session whether the present needs of the Government require the erection of a public building at Brooklyn, New York, and the estimated cost of the same, including the site.

Mr. HOLMAN. I think this erection of palatial buildings in cities by the Government ought to cease.

The motion to suspend the rules was seconded.

The question being taken on suspending the rules, there were—ayes 110, noes 46.

So (two-thirds having voted in the affirmative) the rules were suspended, and the bill (H. R. No. 3748) was passed.

#### LEGISLATIVE ASSEMBLY OF IDAHO TERRITORY.

Mr. CROUNSE. I move that the rules be suspended, and that a bill to provide for the reapportionment of the Legislative Assembly of Idaho Territory be passed.

The bill, which was read, authorizes and requires the governor of the Territory of Idaho to make an apportionment among the several counties or districts for the election of a council and house of representatives in the ratio of qualified voters as nearly as may be for the eighth session of the Legislative Assembly of said Territory; such ratio of voters to be ascertained from the returns of the last election for Delegate to Congress, which said apportionment the governor shall announce in a public proclamation on or before the 1st day of August, 1874; provided that in case council districts are made up of two or more counties, such counties shall be contiguous, and no county shall be divided for such purpose. And provided further, that each county shall be entitled to at least one member in the house of representatives. And provided further, that the governor of said Territory shall continue to make the apportionment as above directed for each election hereafter until the Legislative Assembly of said Territory shall make such apportionment by law.

Mr. CROUNSE. This bill comes unanimously recommended by the Committee on the Territories. It should be passed at this time or it will be of no avail for the fall election.

The motion to suspend the rules was seconded; the rules were suspended, (two-thirds voting in favor thereof,) and the bill (H. R. No. 3749) was passed.

#### DATE OF COMMISSION OF CERTAIN ARMY OFFICERS.

Mr. ALBRIGHT. I rise to a privileged question. I present the report of the committee of conference on the bill to correct the date of commission of certain officers of the Army.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

First. That the House of Representatives concur in the Senate amendment numbered one.

Second. That the Senate recede from its amendment numbered two.

CHARLES ALBRIGHT,  
JAMES W. NESMITH,  
*Managers on the part of the House.*  
GEORGE E. SPENCER,  
J. R. WEST,  
MATT W. RANSOM,  
*Managers on the part of the Senate.*

The report of the committee of conference was agreed to.

Mr. ALBRIGHT moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### NATIONAL IRON-MOLDERS' UNION.

Mr. FIELD. I move that the rules be suspended and that the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union, and that it be passed. This bill is reported by the Committee on Education and Labor.

Mr. STORM. I do not understand that the Committee on Education and Labor have authorized this bill to be reported.

Mr. FIELD. They have.

Mr. STORM. On the contrary a sub-committee of that committee reported against it.

The SPEAKER. The Chair has seen during this session more disputes on the question of fact as to a bill being the report of a com-

mittee than he has done during his experience in Congress for ten years before. Such a question should never be brought upon the floor at all.

Mr. FIELD. This is a report from the Committee on Education and Labor. We recommend the passage of the bill.

The SPEAKER. A conflict of this kind is an unseemly thing ever to appear on the floor of the House.

Mr. STORM. No gentleman should misrepresent facts.

The SPEAKER. It is clearly a question of fact.

Mr. FIELD. It is the gentleman from Pennsylvania [Mr. STORM] who is now misrepresenting the fact.

The bill was read, as follows:

*Be it enacted, &c.,* That William Saffin, of Cincinnati, Ohio; James Carroll, of New York City, New York; Thomas Casey, of Montgomery, Alabama; Nathan Ports, of Washington, District of Columbia; William Gibson, of Toronto, Ontario; E. B. Osler, of Sacramento, California; John F. Leahy, of Little Falls, New York; Peter J. Meaney, of Brooklyn, New York; John Daly, of Albany, New York; Thomas Kelley, of Chicago, Illinois; James Cummings, of Troy, New York; Charles N. Patrick, of Chelsea, Massachusetts; W. H. Hathaway, of Pawtucket, Rhode Island; David Neagle, of Bridgeport, Connecticut; Samuel R. Baldwin, of Pittsburgh, Pennsylvania; Samuel McFarland, of Baltimore, Maryland; George H. Kemball, of Jersey City, New Jersey; Walker Cunningham, of Wheeling, West Virginia; F. H. Mercer, of Evansville, Indiana; James Gorman, of Chicago, Illinois; Conrad Meyers, of Saint Louis, Missouri; James W. Kendler, of Richmond, Virginia; John Kerrigan, of Louisville, Kentucky; Andrew Bovan, of Memphis, Tennessee; Philip Dillon, of Savannah, Georgia; R. B. Wesson, of Water Valley, Mississippi; George J. Schwabbe, of Leavenworth, Kansas; Daniel Lincoln, of Virginia City, Nevada; Patrick Stuart, of Detroit, Michigan; Jacob Korts, of Keokuk, Iowa; Daniel E. Foley, of Milwaukee, Wisconsin; A. J. Roberts, of Omaha, Nebraska, and James Young, of Saint Paul, Minnesota, and their associates and successors, be, and are hereby, created an incorporation by the name and title of the Iron-molders' National Union, and by such name and title they shall have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, and of granting and receiving, in its corporate name, property, real personal, and mixed, and of using said property, and the proceeds and income thereof, for the objects of said corporation as herein defined.

SEC. 2. That the object and purpose of said incorporation shall be to aid its members to become more skillful and efficient as iron-molders; to elevate their character as men; the protection of their individual rights in the prosecution of their trade; to promote their general intelligence; to raise funds for the benefit of sick or disabled members; and to aid the families of deceased members; but the national union shall have power to prescribe general rules and regulations for the disbursement of all funds raised in pursuance of the provisions of this act.

SEC. 3. That the officers of the national union shall consist of a president, four vice-presidents, recording secretary, and treasurer, and such other officers as may be necessary to carry out the objects for which the society is formed; the president and four vice-presidents to constitute a board of trustees. The duties and powers of all officers shall be defined by the national union, which shall also prescribe their mode of election and term of office.

SEC. 4. That the said Iron-molders' National Union shall have power to make and establish such constitution, rules, and by-laws as it may deem proper to carry out the objects of this incorporation, and the same to alter, amend, add to, or repeal at pleasure.

SEC. 5. That the Iron-molders' National Union shall have power to grant charters for the purpose of organizing sub-unions in the District of Columbia and the Territories of the United States and in any State after obtaining the consent thereof; and all sub-unions organized under the national union shall have power to purchase, hold, or dispose of such real or personal property as may be needed to erect halls and establish libraries, and to carry on their business, as provided for in this act; and the national union and all sub-unions shall have power to require all officers holding places of trust to execute bonds, with approved sureties, for the safe-keeping and paying over to their respective unions, whenever directed by them, all moneys belonging to their respective unions in their keeping and under their control.

SEC. 6. That the headquarters of the Iron-molders' National Union shall be located in the city of Washington, in the District of Columbia.

Mr. WILLARD, of Vermont. That is a bill which ought not to pass.

Mr. GARFIELD. I understand that there are Canadians in the list of the parties who are to be incorporated.

Mr. G. F. HOAR. This is a corporation for the District of Columbia, and they are authorized to have branches in the different States with the consent of the States. The persons incorporated are mainly resident here.

Mr. GARFIELD. It is an extraordinary idea to incorporate foreigners by act of Congress.

The SPEAKER. The name of William Gibson, of Toronto, Ontario, is included in the list.

Mr. FIELD. I will allow that name to be stricken from the bill.

The SPEAKER. That modification will be made.

Mr. POTTER. I object to that.

The SPEAKER. The gentleman has the right so to modify the bill.

Mr. FIELD. I call for a vote.

The question was on seconding the motion to suspend the rules.

The SPEAKER. The Chair will direct the division to be taken by tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Michigan, Mr. FIELD.

The House divided; and the tellers reported ayes 36, noes not counted.

So the motion to suspend the rules was not seconded.

#### CIVIL-RIGHTS BILL.

Mr. BUTLER, of Massachusetts. I desire to ask the attention of the House for one moment. In the first place, there is upon the Speaker's table the civil-rights bill from the Senate. It stands in the way now of all legislation. It is evident that it cannot be taken from its place by a vote of two-thirds of the House. The Committee on the Judiciary would not have power to report it at any time if it were referred to them; and in order that we may get it out of the way of legislation I ask unanimous consent that it be taken from the Speaker's table and referred to the Committee on the Judiciary.



Mr. BECK. Will the gentleman add "not to be brought back this session?"

Mr. BUTLER, of Massachusetts. It will not be reported at this session.

Mr. BECK. I desire that that shall be a part of the order.

Mr. BUTLER, of Massachusetts. I have no objection to that.

Mr. G. F. HOAR. I object; I think we can get a two-thirds vote to take it up.

Mr. NIBLACK. The committee have the right to report the House civil-rights bill at any time.

Mr. BUTLER, of Massachusetts. I was about to say further that I do mean to bring up the civil-rights bill of the Committee on the Judiciary of this House under my right to report at any time.

Mr. NIBLACK. Would not the right of the Committee on the Judiciary to report at any time attach to the Senate bill as well as to the House bill—the whole subject?

The SPEAKER. It does not.

Mr. ELDERIDGE. I object to the proposition in regard to the Senate bill.

#### SESSION FOR DEBATE.

Mr. BUTLER, of Massachusetts. I now ask unanimous consent that there may be a session for debate only to-morrow evening, subject to the wants of the Committee on Appropriations.

Mr. LAWRENCE. I desire that the Committee on War Claims may also have leave to make reports.

Mr. BUTLER, of Massachusetts. O, no; I cannot yield for that.

Mr. LAWRENCE. It will not take them twenty minutes.

The SPEAKER. The request of the gentleman is for a session for debate only.

Mr. LAWRENCE. I move to add "and for reports from the Committee on War Claims."

The SPEAKER. It is not amendable; it is a matter for consent or not. Does the gentleman object?

Mr. GARFIELD. The gentleman from Massachusetts makes an exception in favor of the Committee on Appropriations.

The SPEAKER. The proposition is that to-morrow evening be assigned for general debate, no business whatever to be transacted, unless the Committee on Appropriations need the evening for their business.

Mr. GARFIELD. That means that if we have any bills ready to report, or any conference reports to make, we may report them that evening.

Mr. ELDERIDGE. Would that give the Committee on Appropriations the right to report any bills they choose?

Mr. GARFIELD. Only our regular work.

Mr. ELDERIDGE. Would it give the committee any rights they have not now?

Mr. GARFIELD. None but what we have now.

Mr. WARD, of Illinois. I object to the proposition.

Mr. BUTLER, of Massachusetts. I move to suspend the rules and make that order.

The SPEAKER. The Chair will recognize the gentleman for that purpose later on in the day.

#### FORMER SLAVES OF THE CHOCTAW AND CHICKASAW INDIANS.

Mr. SHANKS. I move to suspend the rules and pass a bill to appoint a commission to establish the rights of the former slaves in the Choctaw and Chickasaw country and their descendants, and submit the same to Congress. I will say that the bill is the unanimous report of the Committee on Indian Affairs.

The bill was read. It provides that a commission, to consist of three persons, shall be appointed, one by the President of the United States, one by the Choctaw council, and one by the Chickasaw council, which commission shall when so appointed or a majority of them have power to act and whose duty it shall be if possible to enter into an agreement in writing upon the part of the United States and the Choctaw and Chickasaw people respectively, establishing a just and equitable settlement of the rights and privileges among the Choctaw and Chickasaw people of those persons of color formerly slaves in the Choctaw and Chickasaw country and the descendants of such persons of color. The agreement and all the proceedings entered into and had by the commission are to be submitted to Congress at its next session for its ratification or rejection, and are to be invalid without ratification by Congress.

Mr. SHANKS. The bill is all right and I hope it will pass.

The question was put on seconding the motion to suspend the rules, and 41 members voted in the affirmative.

Mr. SHANKS. I ask unanimous consent to say one word about this bill.

No objection was made.

Mr. SHANKS. It is for the purpose of settling the rights of the colored people in the Choctaw and Chickasaw country. The colored people there were slaves prior to 1866.

Mr. HALE, of Maine. Let me ask the gentleman one question.

Mr. SHANKS. Allow me to explain this matter first. Up to 1866 there were a large number of slaves in the Choctaw and Chickasaw country. By the treaty of 1866 they were set free, but they are free there without anything else but their freedom. It was intended by a provision in the treaty of 1866 that these colored people should have the benefit of forty acres of land, or else the benefit of a cer-

tain fund arising from the sale of a piece of land. The time has expired without their receiving that benefit, and now they have nothing but the privilege of remaining in that country. This is a proposition by which, if carried out, there will be I have no doubt an amicable arrangement of the matter, and these colored people will get equal rights with the Indians in that country. The best Indians there desire that this shall be done, and I have no doubt the matter can be arranged in that way. If it is not done, then there may be difficulties, for there is already engendered a bad feeling between the colored people and the Indians, provoked by white men and others who are interfering in their matters.

Mr. HALE, of Maine. Does this go any further?

Mr. O'BRIEN. I have no objection to the gentleman making any statement necessary to explain the purpose of the bill, if it shall take one hour; but I do object to any discussion by other gentlemen.

Mr. HALE, of Maine. Will the gentleman allow me to ask a question?

Mr. O'BRIEN. I have no objection to that.

Mr. HALE, of Maine. My question is in good faith. It is whether this proposition goes any further than to settle the rights of the colored people who were formerly slaves.

Mr. SHANKS. To settle their rights and the rights of their descendants. It proposes to have the matter referred to Congress at its next session for their decision.

Mr. RAINEY. I should like to have the consent of the House to make a short statement.

Mr. O'BRIEN. I object to any further discussion.

Mr. SHANKS. A moment. I have been asked whether this does or does not interfere with the Choctaw matter which we had before the House the other day. It has no more to do with that than it has with the rising of the sun this morning.

Mr. ELDERIDGE. Does it not apply the same principle to other Indian nations which is applied in the case of the Choctaws?

Mr. SHANKS. There are no other Indian tribes that have colored people who have not provided for them. The Cherokees, Seminoles, and the Creeks provided for their former slaves, making them citizens of their country. But the Chickasaws and Choctaws have not done so, and this proposition is to enable them to do so.

Mr. ELDERIDGE. Can they not do so without the consent of Congress?

Mr. SHANKS. The agreement is to be submitted to Congress and to be invalid without the indorsement of Congress.

Mr. ELDERIDGE. I suppose they can make them citizens if they see fit without the consent of Congress?

Mr. SHANKS. They have not done so.

Tellers were ordered on seconding the motion to suspend the rules; and Mr. SHANKS and Mr. O'BRIEN were appointed.

The House divided; and the tellers reported that there were ayes 103, noes not counted.

So the motion to suspend the rules was seconded.

The question was taken on suspending the rules and passing the bill; and upon a division there were—ayes 81, noes 44; no quorum voting.

Tellers were ordered; and Mr. SHANKS and Mr. O'BRIEN were appointed.

The House again divided; and the tellers reported that there were—ayes 112, noes 42.

So (two-thirds voting in favor thereof) the rules were suspended and the bill (H. R. No. 3756) was passed.

#### SESSION FOR FRIDAY EVENING.

Mr. BUTLER, of Massachusetts. I move that the rules be suspended so as to give the session of to-morrow evening for general debate, subject only to such matters as may be reported from the Committee on Appropriations.

Mr. FOSTER. I hope the request of the gentleman from Massachusetts [Mr. BUTLER] will be granted. I further suggest that the remarks of the gentleman shall be published in the RECORD the next morning.

Mr. CONGER. And that his time be limited to thirty minutes.

Mr. BUTLER, of Massachusetts. And I ask that nobody shall come here who does not want to hear me. Does anybody else have any request to make?

Mr. WARD, of Illinois. As I objected before, I desire to state now that I withdraw my objection.

The motion to suspend the rules was seconded; upon a division, ayes 113, noes not counted.

The rules were then suspended, (two-thirds voting in favor thereof,) and the order was made.

#### SAN JOSÉ RESERVATION, CALIFORNIA.

Mr. CESSNA. I move that the rules be suspended for the purpose of passing a bill (H. R. No. 1718) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights. I desire to say that this bill was reported unanimously from the Committee on the Judiciary some two months ago.

Mr. COBURN. And I will say that this matter was reported against unanimously by the Committee on Military Affairs of the last Congress. It involves \$500,000.

Mr. CESSNA. It involves nothing but the payment of a just debt on the part of the United States for the property of Mrs. General Frémont, Mrs. General Heiskell, and others, taken from them by order of the Government.

Mr. SPEER. How much is the property worth?

Mr. CESSNA. From \$200,000 to \$250,000.

The bill with the amendments reported by the Committee on the Judiciary was read, as follows:

Whereas by the act of Congress of July 1, 1870, relinquishing the right and title of the United States to the military reservation at Point San José, except the portion thereof now held as such reservation, the lands thereby relinquished were restored to parties who had been misled by the action of the Government in withdrawing its appeal from the decree of the board of land commissioners of the United States confirming the title of the city of San Francisco to lands embracing said reservation, and were in the *bona fide* possession thereof when the military authorities went into the occupancy thereof; and whereas the persons dispossessed by the military authorities of the portion so excepted in said act had, in every respect, the same equitable claims to the lands formerly occupied by them, and were excluded from the relief granted by said act solely because the said lands are required for military purposes; and whereas the buildings and improvements erected by the former occupants of the lands within the present limits of said reservation are useful for the purposes of the Government, and their existence has saved considerable expense to the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several persons, their heirs, grantees, assigns, or legal representatives, who, when the military authorities of the United States took possession and entered into the occupation of the lands above high-water mark within the present limits of the military reservation at Point San José, in the city of San Francisco, in the State of California, were in the *bona fide* possession of portions thereof, by themselves, their tenants, or agents, shall be compensated by the United States for the lands and the improvements thereon, of which they were respectively deprived when said lands and improvements were taken possession of by the military authorities of the United States; which compensation shall be the value of said lands and the value of the improvements thereon at the time when the military occupation of said lands commenced, without interest. And the Court of Claims is hereby directed to ascertain and determine the said values, and render judgment for compensation therefor in favor of the several persons respectively who were as aforesaid in the possession of said premises, or any part thereof, their heirs, grantees, assigns, or legal representatives; and any and all judgments so rendered by said court shall be paid out of moneys appropriated, or hereafter to be appropriated, to pay judgments rendered by said court: *Provided*, That no suit shall be brought by virtue of the provisions of this act unless the same be instituted within six months from the passage hereof.

Sec. 2. That nothing in this act shall be so construed as to enable the city of San Francisco, or any corporation or individual, to recover compensation for or by reason of the taking or appropriation of any public square or public street in said city by the military authorities of the United States.

Sec. 3. That no money shall be paid upon any judgment which may be rendered or recovered by virtue of the provisions of this act until the plaintiff or claimant therein shall have filed in the Court of Claims, or with the Secretary of the Treasury of the United States, a full and complete release of and for all damages, injuries, losses, interest, rents, and all other or future compensation on any and every account whatever, by reason of the taking, occupying, and retaining, by the military authorities of the United States, of the premises for which compensation is claimed.

Mr. POTTER. I wish to make a parliamentary inquiry. Is the motion of the gentleman from Pennsylvania [Mr. CESSNA] to bring the bill before the House for consideration?

The SPEAKER. It is to suspend the rules and pass the bill.

Mr. WILLARD, of Vermont. The bill certainly presents some debatable questions.

Mr. CESSNA. I have no objection at all to allowing a reasonable time on each side for debate, if that proposition can be agreed to. My object in making the motion to pass the bill was to avoid delay, which I thought not necessary, for the reason that this bill has been twice considered by Senate committees and reported unanimously by both; has been passed by the Senate; has been passed by the House, and has been three times reported favorably by committees of the House, no adverse report having been made in any case except that made by the gentleman from Indiana, [Mr. COBURN,] chairman of the Committee on Military Affairs.

A MEMBER. What amount of property does the bill involve?

Mr. CESSNA. The property in this case is believed by the committee to be worth between \$200,000 and \$250,000. This subject was thoroughly investigated by the Judiciary Committee of the Forty-first Congress, and a unanimous report was then presented by Mr. Kerr, of Indiana.

Mr. POTTER. I am always unwilling to have the House act on measures of this sort without discussion. I hope therefore that some little time will be allowed for debate. I believe that this measure commends itself to the justice of the Government. My feeling in favor of it is as strong as for any measure I was ever called to pass upon.

Mr. CESSNA. If it be the desire of the House I will change my motion so as merely to bring the bill before the House. I will then call the previous question at once, and yield a few minutes to those opposing the bill and a few minutes to my friend from New York, [Mr. POTTER.] I shall then ask a vote.

Mr. SPEER. And then a majority can pass the bill.

Mr. CESSNA. I move to suspend the rules so as to bring the bill before the House for consideration.

The question being taken on seconding the motion, there were—ayes 31, noes 54; no quorum voting.

Tellers were ordered; and Mr. CESSNA and Mr. HOLMAN were appointed.

The House divided; and the tellers reported ayes 59, noes not counted.

So the motion of Mr. CESSNA was not seconded.

MONUMENT AT LEXINGTON, MASSACHUSETTS.

Mr. GOOCH. I move to suspend the rules and pass the bill (H. R.

No. 3163) authorizing the Secretary of War to deliver certain ordinance to the municipal authorities of Lexington, Massachusetts, for monumental purposes.

The bill was read. It authorizes the Secretary of War to deliver to the municipal authorities of Lexington, Massachusetts, ten pieces of condemned cannon, to be used for monumental purposes in commemoration of the battle of Lexington, on the 19th day of April, 1775.

Mr. O'NEILL. I desire to have an amendment added to this bill.

Mr. GOOCH. I must decline to yield for any amendment.

The motion of Mr. GOOCH, being seconded, was agreed to, (two-thirds voting in favor thereof,) and the bill was passed.

PUBLIC BUILDING IN ATLANTA, GEORGIA.

Mr. COOK. I move to suspend the rules and pass a bill to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

The bill was read. It provides that the act named in the title be so amended that the sum authorized to be expended in the construction of the building be fixed at \$250,000; and that no sum in excess thereof shall be expended upon said building.

The question being taken on seconding the motion to suspend the rules, there were—ayes 56, noes 56; no quorum voting.

Tellers were ordered; and Mr. COOK, and Mr. SMITH of Ohio, were appointed.

The House divided; and the tellers reported—ayes 106, noes 36.

So the motion was seconded.

The question then recurring on agreeing to the motion to suspend the rules and pass the bill,

Mr. GARFIELD called for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 148, nays 79, not voting 62; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barry, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burleigh, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Crittenden, Crocker, Crooke, Crossland, Crouse, Crutcher, Davis, Dobbins, Dunnell, Durham, Eldredge, Field, Fort, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Hubbell, Hunton, Hyde, Jewett, Kelley, Kendall, Knapp, Lamar, Lampert, Lansing, Leach, Lofland, Martin, Maynard, Alexander S. McGill, MacDougall, McLean, Milliken, Mills, Moore, Morey, Morrison, Myers, Neal, Negley, Niblack, Nunn, O'Brien, O'Neill, Hosea W. Parker, Parsons, Perry, Pike, James H. Platt, jr., Potter, Randall, Ransier, Read, Robbins, James C. Robinson, Rusk, Sawyer, Milton Saylor, John G. Schumaker, Sencer, Sheets, Sheldon, Sloan, Sloss, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Southard, Speer, Stanard, Standford, St. John, Stone, Storm, Straitt, Strawbridge, Swann, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, John M. S. Williams, William B. Williams, Willie Wolfe, Wood, and John D. Young—148.

NAYS—Messrs. Albright, Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burrows, Cain, Cannon, Cessna, Stephen A. Cobb, Corwin, Cotton, Curtis, Danford, Donnan, Duell, Eames, Foster, Frye, Garfield, Gunckel, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunter, Hurlbut, Killinger, Lawrence, Lawson, Lowe, Lowndes, Lynch, Magee, James W. McGill, McMunkin, Merriam, Monroe, Orr, Orth, Packard, Packer, Pendleton, Phelps, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Saylor, Scofield, Sessions, Shanks, Sherwood, Small, A. Herr Smith, John Q. Smith, Sprague, Starkweather, Todd, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, Charles W. Willard, William Williams, and James Wilson—79.

NOT VOTING—Messrs. Albert, Averill, Barnum, Freeman Clarke, Clayton, Clinton L. Cobb, Cox, Creamer, Dorrall, Dawes, DeWitt, Eden, Elliott, Farwell, Freeman, Eugene Hale, Robert S. Hale, Hancock, Havens, Hendee, Hersey, Houghton, Howe, Hyman, Kasson, Kellogg, Lamson, Lewis, Loughridge, Luttrell, Marshall, McCrary, McKee, McNulta, Mitchell, Nesmith, Niles, Page, Isaac C. Parker, Pelham, Phillips, Pierce, Purman, William R. Roberts, Henry J. Scudder, Isaac W. Scudder, Lazarus D. Shoemaker, Smart, William A. Smith, Stephens, Stowell, Taylor, Charles R. Thomas, Townsend, Waddell, Wilber, Charles G. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Woodford, Woodworth, and Pierce M. B. Young—62.

So (two-thirds not voting in favor thereof) the rules were not suspended and the bill was not passed.

STATUE TO GENERAL GEORGE G. MEADE.

Mr. O'NEILL. I move to suspend the rules and pass the bill (H. R. No. 3757) to transfer twenty condemned bronze cannon for a statue to the late General George G. Meade.

The bill, which was read, authorizes and directs the Secretary of War to transfer to the Fairmount Park Association (a corporation created by the laws of Pennsylvania) twenty condemned bronze cannon to be used by the said association for the erection of a bronze equestrian statue to the late Major-General George Gordon Meade, within the limits of the city of Philadelphia.

The motion to suspend the rules was seconded.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

CONTINENTAL AGENCY AND EXPRESS COMPANY.

Mr. KELLEY. I ask unanimous consent to introduce for reference a bill (H. R. No. 3758) to incorporate the Continental General Agency and Express Company.

Mr. RANDALL. I do not object, if it is not to be brought back on a motion to reconsider.

The SPEAKER. It cannot be brought back by a motion to reconsider.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 3758) to incorporate the Continental General Agency and Express



Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed, not to be brought back by a motion to reconsider.

BENJAMIN COOLEY AND JAMES W. BOSWELL.

Mr. LOWNDES. Mr. Speaker, I move to suspend the rules and pass the bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell.

The bill, which was read, provides that the Postmaster-General be, and he is hereby, authorized and empowered to examine, adjust, and settle the claims of Benjamin Cooley and James W. Boswell for carrying the mails from Washington, District of Columbia, to Poolesville, Maryland, being routes No. 3293 and No. 3304, from July 1, 1830, to June 30, 1864, and to award them such compensation for carrying the increased bulk of mail matter as he may deem just and proper, not exceeding the sum of \$1,200 to either of said contractors.

Mr. SMITH, of Ohio. The Committee on the Post-Office and Post-Roads have reported a similar bill for the relief of Benjamin Cooley and James W. Boswell, and I hope there will be no objection to the passage of this Senate bill. These contractors ran the mail from here to Poolesville, in Maryland. They took the contract for a small sum of money. Immediately afterward a large force of troops was placed in that vicinity and the mail became very heavy, the receipts running up from thirty or forty dollars to seventeen or eighteen hundred dollars.

Mr. BECK. Is it not better to send this to the Court of Claims?

Mr. SMITH, of Ohio. It cannot be done.

Mr. BECK. Congress can do it.

Mr. LOWNDES. This bill passed the Senate after a careful consideration, and I hope there will be no objection to it.

Mr. SMITH, of New York. The Committee on the Post-Office and Post-Roads think it is right, and this money should be paid.

Mr. BECK. I do not object to this bill, but I do object to the Postmaster-General having power to adjust anything.

The motion to suspend the rules was seconded.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

#### DEVELOPMENT OF MINING RESOURCES.

Mr. LOWE. I move to suspend the rules and pass the bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

The bill, which was read, provides that the fifth section of said act be, and the same is hereby, amended so that where a person or company may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same, as required by said act.

Mr. LOWE. By the act of 1872 each claimant is compelled to do \$100 worth of work per annum until he takes out a patent for his claim. The Commissioner of the General Land Office holds that it must be done upon the lode itself, and that the work upon a tunnel to reach the lode would not save these mining claims. This provides that work upon a tunnel to reach the lode shall have the same effect of saving the claims as work done upon the lode itself. This is unanimously desired by the Delegates and Members from the mining States.

The motion to suspend the rules was seconded; the rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

#### TROOPS ON THE TEXAS BORDER.

Mr. MILLS. I move that the rules be suspended and that a joint resolution to place certain troops on the border of Texas be passed.

The joint resolution was read. It directs the Secretary of War to remove all infantry and cavalry troops now in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky, to the frontier of Texas, to aid the State troops called into the field by the Legislature of the said State in protecting the citizens of that frontier against marauding bands of Indians and Mexicans.

Mr. MILLS. I ask the unanimous consent of the House that I may have a few minutes to make an explanation.

Mr. RAINEY. I object to any debate.

Mr. MILLS. I have not had the floor more than two or three times this session, and I have never made objection to any other gentleman. This is a matter of material interest to my people, and I ask to be permitted to explain the joint resolution.

Mr. RAINEY. I object.

The question being taken on seconding the motion to suspend the rules, there were—ayes 62, noes 91.

So the motion to suspend the rules was not seconded.

#### HEIRS OF JAMES B. ARMSTRONG.

Mr. BUCKNER. I move that the rules be suspended, that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of

James B. Armstrong, deceased," approved March 3, 1873, and that it be passed. This bill is unanimously reported by the Committee on Claims.

The bill was read. It directs the Secretary of the Treasury to pay to Edward S. Armstrong, of Ralls County, Missouri, the sum of \$1,673.14, being his aliquot share of the sum of \$13,385.00 as one of the brothers and next of kin of the said James B. Armstrong, deceased, appropriated by the said act for the relief of the heirs and next of kin of said James B. Armstrong, deceased.

The second section repeals the proviso of said act requiring satisfactory proof to be made to the Secretary of the Treasury that said heirs at law and next of kin, or such thereof as shall demand their aliquot shares under and by virtue of said act, remained loyal adherents to the cause and Government of the United States during the war of the rebellion.

Mr. DUNNELL. This bill had the unanimous indorsement of the Committee on Claims. I hope it will be passed.

Mr. KASSON. It has reference only to the question of loyalty of one of the heirs. That is all.

Mr. WILLARD, of Vermont. Let the last section of the bill be again read.

The second section was again read.

The motion to suspend the rules was seconded.

Mr. HOLMAN. I suppose there is a report accompanying the bill.

Mr. BUCKNER. There is. If the gentleman desires an explanation I shall be happy to give it.

Mr. KASSON. The money has already been appropriated.

Mr. BUCKNER. This money was appropriated during last session of Congress to satisfy a judgment of the Court of Claims in 1858. The money was appropriated for the whole amount. One of these heirs was in the confederate army and could not draw his share. The others have proved their loyalty and got their money.

Mr. HOLMAN. If it is right to repeal that provision of the law in this particular case, why should it not be repealed entirely in such cases?

Mr. KASSON. That can be done by another bill.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

Mr. HOLMAN. I move the House do now adjourn.

#### EVENING SESSION.

\* Mr. COBURN. I ask that there be a session of the House this evening under the order which I send to the desk, and which I ask may be adopted.

The Clerk read as follows:

Ordered. That there be a session of the House this evening, commencing at half past seven o'clock p. m., for reports from committees, no action to be taken thereon; the call of committees to begin with the list of the committees after the Committee on Claims.

Mr. SENER. Does the gentleman agree that no adverse reports shall come in?

Mr. COBURN. I do not agree to that.

Mr. HOLMAN. I hope the business will be confined to references alone.

Mr. COBURN. The object is merely to have bills referred to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. That should be stated in the order.

Mr. COBURN. That is all that is intended.

Mr. HOLMAN. I shall insist that all reports shall go on the Calendar, adverse reports as well as others.

Mr. SENER. Adverse reports do not go on the Calendar unless some gentleman requests it.

Mr. LAWRENCE. They can be made to go on the Private Calendar.

Mr. SENER. Let it be understood, then, that all reports, adverse and others, shall go to the Calendar.

The SPEAKER. All reports will be for reference. With that understanding, the Chair hears no objection to the proposition of the gentleman from Indiana, [Mr. COBURN,] and the order is made.

#### NEVADA COUNTY NARROW-GAUGE RAILROAD COMPANY.

Mr. ORR. I move that the rules be suspended to enable the Committee on the Public Lands to report and the House to pass the bill (H. R. No. 3309) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad.

The bill was read. It grants the right of way through the public lands to the Nevada County Narrow-gauge Railroad Company, a corporation organized under the laws of the State of California, and having its principal place of business in Grass Valley, Nevada County, State of California, its successor and assigns, for a railroad from Colfax to Nevada City, by the most direct, practicable route, being a distance of about twenty miles. Said right of way is granted to said railroad to the extent of fifty feet in width on each side of said railroad where it may pass through the public domain, including the right to take, from the public lands adjacent, materials of earth, stone, and timber necessary for the construction thereof; also including grounds for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations, to an amount not exceeding ten acres not mineral lands for each station, which stations shall not occur oftener than one in five miles; provided that the grant thereby made shall not take effect on any lands to which any bona fide pre-emption

or homestead claim has attached before the definite location of the line of road, and the designation of the lands to be appropriated under this law; provided further that within six months from the passage of the act the Nevada County Narrow-Gauge Railroad Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located and the ground to be occupied at the several stations; and provided further that the said railroad shall be completed within four years from the passage of the act.

The second section provides that in case the right of way granted by the act extends through any cañon, pass, or defile, any other railroad corporation shall not be excluded from a passage through the same or over and upon the track of the constructed road upon equitable terms; and in case of disagreement, upon application of either of the parties, the same shall be adjusted by the Secretary of the Interior, after hearing upon reasonable notice to the parties, whose decision may be enforced by a court of competent jurisdiction.

Mr. ORR. I am directed by the committee to report the amendment which I send to the desk to be read.

The Clerk read as follows:

Add to section 2 the following:

*Provided*, That this act shall not prevent other railroads from crossing the same at grade: *And provided further*, That the right of Congress to at any time amend, alter, or repeal this act is hereby reserved.

Mr. ORR. I include that amendment in the motion to suspend the rules.

Mr. HOLMAN. I ask that the last section of the bill may be again read.

The last section was again read.

Mr. HOLMAN. I desire to suggest two amendments to that bill, so as to make it conform to similar bills already passed. One is to strike out the word "five" and insert "ten;" so as to make it read "which stations shall not occur oftener than one in ten miles," &c. That is in conformity with the practice for the last two years on bills of this sort.

Mr. ORR. This bill conforms to the bills already passed for the reason that they are allowed only half the number of acres.

Mr. HOLMAN. The number of acres is ten acres of land in each ten miles.

Mr. ORR. Well, the practice has been to give twenty acres in each ten miles; but this only gives ten acres in each five miles.

Mr. HOLMAN. The last bill of this kind that we passed gave ten acres of land to each ten miles. I think that ought not to be done, but inasmuch as it has been the practice heretofore, I am willing to concede that.

Mr. ORR. I think the gentleman is mistaken as to the practice.

Mr. HOLMAN. The bill passed by the House yesterday or the day before in relation to Colorado contained this same provision. The other amendment I have to suggest is, to strike out the word "timber" where it occurs in the bill. I see no reason why we should deprive the ultimate settlers on these lands of the timber to which they would otherwise be entitled.

Mr. ORR. It has been customary to allow the company to take timber in all such cases. However, I will accept those amendments as modifications of my bill.

The motion to suspend the rules was seconded.

The question was taken on the motion to suspend the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the bill, as modified, was passed.

#### TRANSFER OF GOLD BARS.

Mr. HOOPER, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported back, with the recommendation that it do pass, the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York.

The bill was read. It authorizes the Secretary of the Treasury from time to time to transfer to the office of the assistant treasurer at New York from the bullion fund of the assay office at New York refined gold bars bearing the United States stamp of fineness, weight, and value, or bars from any melt of foreign gold coin or bullion of standard equal to or above that of the United States, or an exchange from gold coins at not less than par, subject to such regulations as he may prescribe.

Mr. MERRIAM. I move to amend the bill by inserting after the words "coin at," in line 8, the words "market value."

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

#### HEIRS OF JAMES BARNETT.

Mr. KELLOGG. I move that the rules be suspended and that the bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased, be passed. I will state that it is the unanimous report of the Committee on War Claims.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to the heirs of James Barnett, deceased, who was a lieutenant in the Second Virginia Regiment on continental establishment during the revolutionary war, and who, by reason of the loss of an eye in the service, was retired in 1779, in accordance with a provision of an act of the Continental Congress, the amount of pay of a

first lieutenant of said regiment for five years, in accordance with the provisions of an act approved March 27, 1783.

Mr. WILLARD, of Vermont. This is a claim about a hundred years old.

Mr. SMITH, of Virginia. The claim is a just one, and I hope the House will pass the bill.

Mr. KELLOGG. There ought to be no objection to the bill, and I hope it will pass.

The question was put on seconding the motion to suspend the rules; and on a division there were ayes 78, noes not counted.

So the motion was seconded.

The question recurred on suspending the rules and passing the bill.

Mr. WILLARD, of Vermont. I call for the yeas and nays.

The yeas and nays were not ordered, only ten members voting therefor.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

#### ORDER OF BUSINESS.

Mr. POLAND. I desire the attention of the House for a moment. A very considerable number of gentlemen are anxious to go to business on the Speaker's table. There is nothing on the Speaker's table in which I have any special interest, but there is so large an amount of business there that I think we ought to take it up and dispose of it. I desire, therefore, to make a proposition on the subject which I think will be entirely acceptable to gentlemen on both sides of the House.

It is well known that an effort yesterday to go to the Speaker's table met with opposition on account of the civil-rights bill. Now I desire to say that I am a friend of the civil-rights bill; I have always voted for it. In the last Congress I had charge of it and made every sort of endeavor to get it passed without avail. We all understand that the position of it is such that it cannot be passed except by a two-thirds vote, and two or three unsuccessful efforts have been made to get a two-thirds vote. It has been fully ascertained that it cannot be obtained, and therefore I think the friends of that measure have no need to struggle longer to obtain what they know they cannot obtain. I propose that when the civil-rights bill is reached it shall be referred to the Judiciary Committee with no right to report it back except by asking a suspension of the rules, so that they would need a two-thirds vote to carry it, just as they would need a two-thirds vote to carry it in its present position.

Mr. WOOD. Or any other bill on that subject.

Mr. POLAND. The Committee on the Judiciary now have in their possession a House bill upon that subject which they have the right to report at any time. But the difficulty is that if they report that bill and the House passes it, it must then go to the Senate and take its turn there. Now, in reference to the civil-rights bill, I propose to leave all sides precisely as they are now; that there shall be no change in the rights of parties in reference to that bill. I make this proposition in order to take that bill out of the way of other business. I have put my proposition in writing, and I ask the Clerk to read it.

The Clerk read as follows:

Move to suspend the rules so as to proceed to business on the Speaker's table; that five minutes be allowed to explain each bill and five minutes in opposition thereto; and the only motion in order shall be to put each bill on its passage or to refer the same; that when the civil-rights bill is reached it shall be referred to the Committee on the Judiciary without any right to report it back except under a suspension of the rules.

Mr. G. F. HOAR. Allow me to inquire of the gentleman if his proposed arrangement does not deprive the civil-rights bill of a very important advantage? While a majority of the House are known to be in favor of that bill, no other business on the Speaker's table can be disposed of unless that bill shall take its chance with the others. That is a very important advantage in the way of obtaining a vote upon the civil-rights bill.

Mr. HAWLEY, of Illinois. Allow me to make a suggestion in that connection.

Mr. POLAND. Let me answer this suggestion first.

Mr. TREMAIN. There are one or two bills of the House with Senate amendments. It seems to me that this proposition would not allow a motion to concur in those amendments or concur in them with amendments.

Mr. POLAND. Yes, it would. I have been quite as sincere and earnest a friend of the civil-rights bill as the gentleman from Massachusetts.

Mr. G. F. HOAR. I do not question that. What I question is the effect of your arrangement in that bill.

Mr. POLAND. In order to get at business on the Speaker's table you must now obtain a two-thirds vote. We understand very well that as long as that two-thirds vote shall be required we can never get to business on the Speaker's table. I do not propose to surrender any right or privilege that we have in regard to the civil-rights bill, but I understand that the bill standing in the position it now does it is impossible for us to secure a two-thirds vote in any way to pass the bill. I do not think we should allow the civil-rights bill to stand so much in the way as to prevent our attending to any other business on the Speaker's table.

Mr. G. F. HOAR. I do not understand that the majority of this House, consisting of republicans and embracing two-thirds of the members of this House, are so much opposed to the civil-rights bill



that they will not allow a vote of the House to be taken upon it and the bill disposed of by a majority vote. I do not understand that they are so opposed to it as to be willing to stop the whole business of the country rather than to allow a constitutional majority of this House to deal with that bill. As the bill is, at its present stage, every gentleman who persists in voting against proceeding to business on the Speaker's table, says not merely that he is opposed to the civil-rights bill, but that he will not allow a constitutional majority of the Representatives of the American people to act upon that measure, and rather than do so will stop all public business.

Mr. SPEER. I object to further debate.

Mr. BECK. I desire to say that so far as I am concerned I will stop all legislation rather than allow the civil-rights bill to be passed.

Mr. COBURN. I rise to a parliamentary inquiry as to the effect of the proposition of the gentleman from Vermont, [Mr. POLAND.] It is whether or not, under that proposition, bills upon the Speaker's table would be subject to the point of order that they contain appropriations and must first be considered in Committee of the Whole?

The SPEAKER. The Chair would consider that this order, if made, would put the whole matter subject to a majority vote. As the bills were reached they would have to be referred to committees, passed, or left on the table. It would leave it in the control of a majority of the House.

Mr. POLAND. If there is any use at all in going to the Speaker's table, it should be under the plan I propose.

Mr. COBURN. We should not set aside all points of order.

Mr. BECK. I want to ask the gentleman from Vermont one question.

The SPEAKER. The gentleman from Pennsylvania [Mr. SPEER] objects to debate.

Mr. SPEER. I objected to an attempt to dragoon this side of the House into allowing a vote on the civil-rights bill.

Mr. HAWLEY, of Illinois. If the civil-rights bill should be referred to the Committee on the Judiciary, as proposed by the gentleman from Vermont, would not that committee be prevented from reporting it at any time except under a suspension of the rules, which would require a two-thirds vote?

Mr. POLAND. The gentleman from Illinois [Mr. HAWLEY] has put an impossible case.

Mr. HAWLEY, of Illinois. Not at all.

Mr. POLAND. The Committee on the Judiciary when called upon for reports can report whatever matters they have before them.

Mr. HAWLEY, of Illinois. Suppose that the Committee on the Judiciary does not report this bill until the next session of Congress; under this order could it be reported then except under a suspension of the rules, requiring a two-thirds vote?

Mr. POLAND. I do not understand that this order would have any effect at the next session.

Mr. HAWLEY, of Illinois. Why not? If the bill is sent to the committee under this order, it must remain there until brought out of the committee by a two-thirds vote.

Mr. SPEER. I desire to make a parliamentary inquiry. If the order proposed by the gentleman from Vermont be agreed to, could not a majority of the House pass the election bill which was yesterday defeated on a motion to suspend the rules?

The SPEAKER. The Chair does not know that that bill is on the Speaker's table; he thinks it is not. This order would apply only to bills on the Speaker's table.

Mr. POLAND. I call for a vote.

Mr. HAWLEY, of Illinois. I call attention to the fact that under this proposition the civil-rights bill may be sent to the Committee on the Judiciary, and that committee may never have any power to report it back except under a suspension of the rules by a two-thirds vote.

Mr. POLAND. So many gentlemen are troubled for fear that this proposition is going to have some effect at the next session of Congress that I will modify the motion by inserting the words "during this session of Congress" after the clause with reference to reporting back the civil-rights bill.

Several MEMBERS. That is right.

Mr. LAWRENCE. I wish to put a parliamentary inquiry. If this motion be adopted will there be any right to make an objection which will carry to the Committee of the Whole any bill appropriating money or property?

The SPEAKER. That right will not exist; but every bill will be subject to the disposition of the majority of the House, either to be passed, to be referred, or to remain on the Speaker's table.

Mr. WILSON, of Iowa. I move that the House adjourn. I do not think we are prepared to adopt any such proposition as this.

The question being taken on the motion to adjourn, there were—ayes 84, noes 75.

Mr. POLAND. I call for the yeas and nays.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moiety.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. No. 733) regulating gas-works,

requested a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MORRILL of Vermont, Mr. COOPER, and Mr. ALLISON.

The message also announced that the Senate had agreed to the resolution of the House granting the use of the Rotunda of the Capitol to the women's centennial executive committee of the city of Washington for the purpose of celebrating on the 16th of December next the destruction of the tea in the harbor of Boston on the night of December 16, 1773.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate, (the House of Representatives concurring.)* That one thousand additional copies of the report of the Select Committee on Transportation Routes, with the appendix and evidence taken, be printed, of which three hundred copies shall be for the use of the Senate, six hundred copies for the use of the House, and one hundred copies for the use of the Select Committee on Transportation Routes; and that there shall also be printed five thousand copies of said report and appendix without the evidence, of which fifteen hundred copies shall be for the use of the Senate, three thousand copies for the use of the House, and five hundred copies for the use of the Select Committee on Transportation Routes.

The message also requested that the House return to the Senate the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

#### RETURN OF A BILL.

The SPEAKER. If there be no objection, the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes, will be returned to the Senate, in accordance with the request just received from that body.

There was no objection, and it was ordered accordingly.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon;

An act (S. No. 716) for the better government of the Navy of the United States; and

An act (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia, or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

Mr. HARRIS, of Georgia, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 203) to create two additional land districts in the State of Kansas;

An act (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

An act (H. R. No. 1507) to create an additional land district in the Territory of Colorado;

An act (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen;

An act (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

An act (H. R. No. 2463) for the relief of Joseph S. Read;

An act (H. R. No. 2670) granting a pension to Mary S. Howe;

An act (H. R. No. 2671) granting a pension to General A. C. Voris;

An act (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes;

An act (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875;

An act (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

An act (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif;

An act (H. R. No. 3678) for the relief of savings institutions having no capital stock, and doing business solely for the benefit of depositors; and

An act (H. R. No. 3741) to authorize the issue of an American register to the ship Alhambra.

#### MOIETIES.

Mr. ELLIS H. ROBERTS. I rise to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moiety, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 11, 14, 18, 19, 20, 21, 22, 24, 25, 27, 29, and 34, and agree to the same.

That the House recede from its disagreement to the eighth amendment, and agree to the same with an amendment as follows: Strike out all after "court," in line 21, to and including "United States," in line 26, and insert in lieu thereof as follows:

And if produced, the said attorney shall be permitted, under the direction of

the court, to make examination (at which examination the defendant or claimant or his agent may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States.

And the Senate agree to the same.

That the House recede from its amendment to the thirteenth amendment of the Senate, and agree to said Senate amendment.

That the Senate recede from its twenty-sixth amendment (striking out certain words) with an amendment, as follows: Page 7, line 13, after "court" insert "or the judge thereof;" and the House agree to the same.

That the Senate recede from its thirty-first amendment, striking out section 14, and agree to the same with an amendment as follows: Strike out "been" in line 1, page 9, and insert "have been;" and the House agree to the same.

That the House recede from its disagreement to the thirty-second amendment, and agree to the same with an amendment as follows: Strike out "16" and insert "17;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: Strike out "17" and insert "18;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the following:

SEC. 19. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and on conviction thereof shall suffer imprisonment not exceeding ten years and be fined not exceeding \$10,000: *Provided, however,* That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures or to compromise the same in accordance with existing law.

And the Senate agree to the same.

That the Senate recede from its thirty-sixth amendment, with an amendment striking out "18" (the number of the section) and inserting "20;" and the House agree to the same.

That the House recede from its disagreement to the thirty-seventh amendment, and agree to the same with an amendment as follows: Strike out "18" (the number of the section) and insert "21;" and the Senate agree to the same.

That the House recede from its amendment to the thirty-eighth amendment, and agree to the same with an amendment as follows: Strike out "three" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-ninth amendment, and agree to the same with an amendment striking out "19" (the number of the section) and inserting "22;" and the Senate agree to the same.

That the House recede from its amendment to the forty-fourth amendment, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be inserted by the Senate the following:

SEC. 23. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by the collectors, naval officers, and surveyors connected with the customs service in the several collection districts of the United States hereinafter named, there shall be paid, from and after the 1st day of July, 1874, an annual salary as follows:

To the collector of the district of New York, \$12,000.

To the collectors of the districts of Boston and Charlestown, Massachusetts, and Philadelphia, Pennsylvania, each \$8,000.

To the collectors of the districts of San Francisco, California, Baltimore, Maryland, and New Orleans, Louisiana, each \$7,000.

To the collector of the district of Portland and Falmouth, Maine, \$6,000.

To the naval officer for the district of New York, \$8,000.

To the naval officers of the districts of Boston and Charlestown, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each \$5,000.

To the surveyor of the port of New York, \$8,000.

To the surveyors of the ports of Boston, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each \$5,000.

And the Senate agree to the same.

That the House recede from its disagreement to the forty-fifth amendment, and agree to the same with an amendment as follows: Strike out "21" (the number of the section) and insert "24;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the forty-sixth amendment, and agree to the same with amendments as follows: Strike out "ten" in said amendment and insert "thirty;" also, strike out "22" (the number of the section) and insert "25;" and the House agree to the same.

That the House recede from its disagreement to the forty-seventh amendment, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

SEC. 26. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights of the United States; and in all cases in which prosecutions have been actually commenced for forfeitures incurred, the Secretary of the Treasury shall have power to make compensation as provided in the fourth section of this act to the persons who would under former laws have been entitled to share in the distribution of such forfeitures.

And the Senate agree to the same.

ELLIS H. ROBERTS,

L. A. SHELDON,

FERNANDO WOOD,

*Managers on the part of the House.*

JOHN SCOTT,

T. F. BAYARD,

*Managers on the part of the Senate.*

The SPEAKER. The question recurs on the motion to adjourn.

Mr. POLAND. I demand the yeas and nays on that motion.

The SPEAKER. The rules require, even during the pendency of a motion to adjourn, the reception of a conference report, but the rule must be construed only to have the report come in and not to have it considered. The House will now determine whether it will adjourn or not.

Mr. KASSON. I hope there will be no objection to the motion being again submitted to the House without tellers and without the yeas and nays.

The SPEAKER. If there be no objection, that will be agreed to.

There was no objection, and it was ordered accordingly.

The House refused to adjourn.

Mr. ELLIS H. ROBERTS. I demand the previous question on the adoption of the report of the committee of conference.

Mr. BECK. Does the gentleman only propose to take a vote on the adoption of the report of the committee of conference?

Mr. ELLIS H. ROBERTS. I do not propose to do more than demand the previous question and take the vote, unless some gentleman may wish to ask a question in regard to the effect of the adoption of the report of the committee of conference.

Mr. BECK. I only propose to say while there are many things here I am opposed to, yet I think it is the best thing we can get.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BENJAMIN W. REYNOLDS.

Mr. HERNDON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the first amendment of the Senate to the said bill, and agree to the second amendment with an amendment, namely: Strike out of said second amendment the word "fifteen" and in lieu thereof insert the word "sixty-five;" and the Senate agree to the same.

W. S. HERNDON,

N. B. BRADLEY,

J. ORR,

*Managers on the part of the House.*

T. J. ROBERTSON,

D. D. PRATT,

T. M. NORWOOD,

*Managers on the part of the Senate.*

Mr. HERNDON. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. HERNDON moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The pending question is on the motion of the gentleman from Vermont [Mr. POLAND] to go to the business on the Speaker's table.

Mr. WILSON, of Iowa. I move the House do now adjourn.

The SPEAKER. The motion to adjourn the Chair thinks is not in order, as one motion already has been made to adjourn pending the motion for a suspension of the rules to go to the business on the Speaker's table, and under the rule only one motion to adjourn is in order pending a motion to suspend the rules.

Mr. POLAND. And that motion was voted down.

The SPEAKER. The Chair thinks the motion to adjourn is not in order.

Mr. WILSON, of Iowa. The gentleman's motion to suspend the rules must have been by construction postponed while the report of the gentleman from New York, [Mr. ELLIS H. ROBERTS,] from the committee of conference, was being acted on. It is not possible for the House to act on two things at once.

Mr. POLAND. We do it, though. It seems to me it is clear that this is no new proceeding. The conference report was interjected.

The SPEAKER. There has been a rather peculiar series of events, but the Chair will show how it happened: Under the practice of the House reports of conference committees are received at any time, even during the pendency of a motion to adjourn or a motion to adjourn over. Therefore the Chair had no election but to receive the reports of conference committees. Rule 161 says:

Pending a motion to suspend the rules, the Speaker may entertain one motion that the House do now adjourn; but after the result thereon is announced, he shall not entertain any other dilatory motion till the vote is taken on suspension.

Mr. POTTER. But, Mr. Speaker, pending the motion to adjourn the conference report came in. As I now understand the Chair, the House was bound, even if objection should be made, to consider the conference report. But some gentleman did make the objection and the Speaker put the motion to adjourn. But we all understood that was a motion merely—

The SPEAKER. The gentleman from New York does not apprehend the statement made by the Chair. The Chair has heretofore ruled that the highest privilege given to a conference report merely goes to its being read, not to its being debated; and as soon as the conference report was read the Chair rose and stated that the vote on the motion to adjourn, on a division, was 84 yeas and 75 noes. It was then for the House to determine whether they would certify that vote. There was an expression of opinion that it should be again submitted. The Chair submitted it, and by a large negative vote the House refused to adjourn.

Mr. G. F. HOAR. The conference report was voted on after the motion to adjourn was disposed of.

The SPEAKER. Certainly; but if the motion of the gentleman from Vermont [Mr. POLAND] is still pending—

Mr. G. F. HOAR. Will the Chair allow me a moment to complete my statement upon this point?

The SPEAKER. Certainly.



Mr. G. F. HOAR. The conference report was voted upon. There was a little debate with the gentleman from Kentucky, [Mr. BECK,] and the previous question was seconded on agreeing to the report. There was a debate and a vote. Now if that action was had in regard to one conference report, it might be had in regard to two or three or more.

The SPEAKER. Certainly; in regard to a hundred.

Mr. G. F. HOAR. Does the Chair then rule that after a motion to suspend the rules has been made and a motion to adjourn has been voted down, ten successive conference reports may come in, be read, debated, have the previous question ordered on them and be voted on, and that the House cannot adjourn without disposing of that motion to suspend the rules?

The SPEAKER. What is suggested by the gentleman from Massachusetts [Mr. G. F. HOAR] does not present the slightest difficulty; because the House, if it wants to adjourn, need not second the motion to suspend the rules. It does not embarrass the House at all.

Mr. G. F. HOAR. The House may not want to vote against the suspension of the rules, but may desire to adjourn and postpone the question as to the suspension of the rules till next day.

The SPEAKER. This is a question which never before arose. But the Chair is always willing to rule in favor of an adjournment, although he believes that in doing so he rules against the literal meaning of the rule. The Chair will submit the question on the motion to adjourn in consideration of the fact that some misunderstanding has arisen in the minds of various members as to the true position of the pending question.

The question being taken on the motion of Mr. WILSON, of Iowa, that the House adjourn, there were—ayes 83, noes 92.

Mr. WILSON, of Iowa, called for tellers.

Tellers were ordered.

The House again divided; and the tellers reported—ayes 88, noes 73.

Mr. PARKER, of Missouri, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 88, not voting 66; as follows:

YEAS—Messrs. Adams, Archer, Ashe, Atkins, Banning, Barber, Barrere, Barry, Bell, Berry, Bland, Blount, Bromberg, Buffinton, Burchard, Burrows, Benjamin F. Butler, Cain, Caldwell, Cannon, Cessna, Amos Clark, Jr., John B. Clark, Jr., Clymer, Stephen A. Cobb, Comingo, Conger, Cook, Cotton, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Darrall, Davis, Dawes, Eldredge, Giddings, Glover, Gooch, Gunter, Hamilton, Benjamin W. Harris, Henry R. Harris, Hatcher, John B. Hawley, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Howe, Hutton, Huribut, Jewett, Kelley, Killinger, Knapp, Lamson, Leach, Lowndes, Lynch, Magee, Martin, Maynard, James W. McDill, McLean, Merriman, Milliken, Mills, Monroe, Moore, Myers, Neal, Nunn, O'Brien, O'Neill, Orth, Packard, Phelps, Pierce, Pike, Thomas C. Platt, Potter, Pratt, Rainey, Randall, Ransier, Read, Rice, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Milton Saylor, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sloss, Small, A. Herr Smith, George L. Smith, John Q. Smith, Southard, Speer, Sprague, Stone, Storm, Swann, Sypher, Christopher Y. Thomas, Tremain, Tyner, Vance, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, and Woodford—135.

NAYS—Messrs. Albright, Arthur, Averill, Beck, Begole, Biery, Bowen, Bradley, Bright, Brown, Bundy, Roderick R. Butler, Cason, Clements, Coburn, Corwin, Crutchfield, Donnan, Dunnell, Durham, Eames, Field, Fort, Foster, Gunkel, Hagans, Harner, John T. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Hunter, Hyde, Hynes, Kasson, Kellogg, Kendall, Lampert, Lawrence, Lawson, Lowe, Alexander S. McDill, MacDougall, McJunkin, McNulta, Morey, Morrison, Niblack, Niles, Orr, Packard, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Poland, Rapier, Ray, Richmond, Rusk, Sawyer, Henry B. Saylor, Sherwood, Sloan, Stanard, Standiford, Starkweather, St. John, Stowell, Strait, Strawbridge, Thornburgh, Todd, Townsend, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, William B. Williams, and John D. Young—88.

NOT VOTING—Messrs. Albert, Barnum, Bass, Buckner, Burleigh, Freeman Clarke, Clayton, Clinton L. Cobb, Cox, Curtis, Danford, DeWitt, Dobbins, Duell, Eden, Elliott, Farwell, Freeman, Frye, Garfield, Eugene Hale, Robert S. Hale, Hancock, Hathorn, Hays, Herndon, Hersey, Hubbell, Lamar, Lansing, Lewis, Lofland, Loughbridge, Luttrell, Marshall, McCrary, McKee, Mitchell, Negley, Nesmith, Page, Pelham, Perry, Phillips, James H. Platt, Jr., Purman, William R. Roberts, James C. Robinson, Seofield, Sheats, Lazarus D. Shoemaker, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Taylor, Charles R. Thomas, Waddell, Walls, John M. S. Williams, Jeremiah M. Wilson, Wood, Woodworth, and Pierce M. B. Young—66.

So the motion was agreed to.

Before the result of the vote was announced,

The SPEAKER said: The Chair does not regard the point as of much practical importance, but he desires to say, in order that it may go into the RECORD, that in submitting this motion it was his judgment that it was not in order. He submitted it rather than insist on his own construction of the rule, because there seemed to be a misunderstanding in the House in regard to it.

Mr. HAZELTON, of Wisconsin. I ask unanimous consent that this motion may be regarded as one for a recess instead of an adjournment so as to save the session for this evening.

Mr. SPEER. I object.

The House (at three o'clock and twenty minutes p. m.) then adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated: By Mr. SMITH, of Pennsylvania: The petition of workingmen in

Marietta Furnace, Lancaster County, Pennsylvania, for the restoration of the 10 per cent. duty on iron and steel, and for free banking, to the Committee on Ways and Means.

Also, the remonstrance of merchants, bankers, and business men of Lancaster City and County, Pennsylvania, against the imposition of a tax of  $\frac{1}{10}$  of 1 per cent. on sales of bullion, coin, stocks, bonds, and other securities, to the Committee on Ways and Means.

By Mr. SMITH, of Virginia: The petition of Mrs. Elizabeth Weaver, of Owl Run, Fauquier County, Virginia, for relief, to the Committee on War Claims.

By Mr. YOUNG, of Kentucky: The petition of G. H. Wornok, John Doty, C. Culbertson, B. L. Biggs, David Williams, John Kidd, Charles Boss, William J. Wilson, and a large number of other workingmen in the Buffalo and Laurel Furnace Works in Greenup County, Kentucky, for the restoration of 10 per cent. of duties on iron, steel, &c., for free banking, and for such protection by Congress as will relieve the distressed condition of the workingmen of the country, to the Committee on Ways and Means.

#### IN SENATE.

FRIDAY, June 19, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

#### NEVADA COUNTY NARROW-GAUGE RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad.

Mr. SARGENT. That same bill was reported favorably as a Senate bill by the Committee on Railroads of the Senate and has been on the Calendar for some time. It is a local road, twenty miles long only, in my own county. I ask that the bill may be passed by unanimous consent.

The bill was read three times, and passed.

#### PETITIONS AND MEMORIALS.

Mr. MERRIMON. I ask leave to call up a House bill.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. Petitions and memorials are in order.

Mr. WASHBURN presented resolutions of the Legislature of Massachusetts, in favor of the abolition of the law concerning compulsory pilotage at Hell Gate; which were referred to the Committee on Commerce.

Mr. BOGY presented five petitions of merchants, importers, bankers, and business men of Saint Louis, Missouri, protesting against the passage of the twenty-ninth section of the tariff bill which imposes a tax of  $\frac{1}{10}$  of 1 per cent. on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which were referred to the Committee on Finance.

Mr. SCHURZ presented the petition of Rob. zum Hagen, M. D., of Saint Louis, Missouri, praying an amendment to the homestead law; which was referred to the Committee on Public Lands.

Mr. JOHNSTON. I ask unanimous consent to consider a bill—

Mr. ANTHONY. I rise with a report.

The PRESIDENT *pro tempore*. That is in the nature of an objection. If there be no further petitions, reports of committees are in order.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of West Virginia in favor of a geological survey of West Virginia by the Government of the United States; which was referred to the Committee on Public Lands.

#### REPORT ON CUSTOMS AND TARIFF LEGISLATION.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution of the House of Representatives to print copies of the report of the Chief of the Bureau of Statistics, have instructed me to report back the same with an amendment. The amended resolution strikes out all copies for the use of Congress and limits it to one thousand for the use of the Department.

By unanimous consent, the resolution was considered.

The amendment of the Committee on Printing was to strike out "five thousand copies, three thousand for the use of the House of Representatives, one thousand for the Senate and," and strike out the words "and distribution by;" so as to make the resolution read:

*Resolved, (the Senate concurring,) That there be printed of the special report of Edward Young, Chief of the Bureau of Statistics, on customs and tariff legislation of the United States, with the appendices, including the tariff acts approved respectively May 1, 1872, and June 6, 1872, and a tabular statement of the rates of duties under said acts and other statutes now in force, one thousand bound copies for the use of the Treasury Department.*

The amendment was agreed to.

The resolution, as amended, was agreed to.

#### COAST SURVEY REPORT.

Mr. ANTHONY. I am instructed by the same committee to report back the resolution for printing the Coast Survey report. In accord-

ance with the expressed wish of the Senate, we have left out all copies for the use of the House and Senate; and as this Coast Survey report is a matter of very great importance, and the establishment is maintained at considerable expense and is of comparatively little use unless ship-owners, navigators, and others can see the charts, we have not reduced the number, but have left it at three thousand, a very moderate number, to be distributed by the Superintendent of the Coast Survey. If Senators think that is too much they can move to reduce it.

The Chief Clerk read the resolution proposed to be amended, as follows:

*Resolved by the Senate, (the House of Representatives concurring.)* That there be printed of the report of the Superintendent of the Coast Survey for the year 1873, three thousand extra copies for the use of the Superintendent of the Coast Survey.

Mr. SHERMAN. I ask the Senator if these are to be stamped to go through the mail?

Mr. ANTHONY. They are to be disposed of just like any other documents. I was not able to keep the run of the provisions in the bill on that subject which was acted on the other day, being engaged in my committee-room in an investigation.

Mr. SHERMAN. The Departments now use stamps on documents and frank them in that way.

Mr. ANTHONY. This resolution makes no provision on that subject.

Mr. SHERMAN. Under the law now the Departments can frank the documents printed for them by putting on a stamp. That ought to be corrected.

Mr. ANTHONY. Can we correct it in this resolution?

Mr. SHERMAN. No.

The resolution, as amended, was agreed to.

Mr. ANTHONY. I should have moved first that this report of the Superintendent of the Coast Survey be printed. I make that motion now.

The motion was agreed to.

#### CRETACEOUS FLORA OF THE WEST.

Mr. ANTHONY. I reported the other day a resolution from the Committee on Printing to print the report of Professor Hayden on the Cretaceous Flora of the West, the expense of which has all been incurred except the very trifling cost of printing the letter-press, about \$600. There is no provision for any distribution to members of Congress. I hope that resolution may be now taken up and passed. I understand there is no objection to it.

By unanimous consent, the Senate proceeded to consider the following House resolution:

*Resolved by the House of Representatives, (the Senate concurring.)* That there be printed and bound twenty-five hundred copies in quarto (uniform of the series) of Professor Hayden's report on the Cretaceous Flora of the West, one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States Geological Survey of the Territories.

The resolution was concurred in.

#### BILL RECOMMITTED.

Mr. OGLESBY. The RECORD of yesterday morning shows that the Senator from Iowa, [Mr. WRIGHT,] "from the Committee on Finance, to whom was referred the bill (H. R. No. 3668) for the relief of Smith & Matthews, of Illinois, reported adversely thereon; and the bill was postponed indefinitely," but the evidence upon which the claim was based was not before the committee when they made the report. The claim is only for three or four hundred dollars. I therefore move now to reconsider the vote by which the bill was indefinitely postponed, and that it be recommitted to the Committee on Finance.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3689) granting a pension to Bernard Sailer, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 741) to provide for a commission upon the subject of postal telegraphy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 884) to amend sections 245, 246, 247, 251, and 253 of an act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 933) relating to mail contracts, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 692) for the relief of William Chester, reported it without amendment.

He also, from the Committee on Finance, to whom was referred the petition of J. E. D. Couzins, praying compensation for the arrest and detention of counterfeiters of United States notes, submitted a

report accompanied by a bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis, Missouri.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (S. No. 232) to regulate the fees received from certain steam-vessels sailing coastwise and foreign, reported it without amendment.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (S. No. 893) for the relief of William C. Greene, of Indiana, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of James S. Herron and others, praying that a pension may be allowed to the widow of James Herron, of Pensacola, Florida, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3188) granting a pension to Letta Bagley, reported it without amendment.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes, reported it without amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2695) for the relief of Ely Cameron, reported it with an amendment.

Mr. FENTON. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 3023) for the relief of Andrew Mason, to report it back with a slight amendment. I desire to put this bill upon its passage. It is but seven lines in all.

Mr. EDMUNDS. I object, and insist on the regular order.

Mr. KELLY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 721) for the restoration of public lands in Fort Sedgwick reservation, in Colorado and Nebraska, to settlement and entry, to report it back without amendment, and I should like to have it put on its passage.

Mr. EDMUNDS. I object. I merely wish to say in explanation of my evidently very bad conduct that my object is that when we get through with resolutions I may ask the Senate to go to the Calendar of unobjected cases, so that we may go through with all those bills with which everybody is satisfied, and thus we shall do more good than we can by snatching up a bill at a time now. That is my apology if I need to make one.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona, reported it without amendment.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2900) granting a pension to Josephine D. Thomas, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 339) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1403) granting a pension to Jehu Baker, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPRAGUE. The Committee on Public Lands have had under consideration the draught of a bill providing for the appointment of a commissioner to ascertain the rights of subjects of Great Britain to land in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain, and have instructed me to report the bill. The reference came to the committee through papers received from the State Department.

The bill (S. No. 959) providing for the appointment of a commissioner to ascertain the rights of subjects of Great Britain to lands in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain was read, and passed to a second reading.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin, reported it without amendment.

Mr. SPRAGUE. The same committee, to whom was referred the bill (S. No. 904) to provide revenue from the sale of public lands, have directed me to report it back and recommend that it be indefinitely postponed. I ask that it be placed on the Calendar. I submit at the same time a minority report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and the report printed.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas, reported it without amendment.



Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, reported it without amendment.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (H. R. No. 3177) for the relief of DeWitt C. Chipman, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

#### THE INDIAN TERRITORY.

Mr. PATTERSON. I am instructed by the Committee on Territories, to whom was referred the bill (S. No. 570) to organize the Territory of Oklahoma, and for the better protection of the Indian tribes therein, and for other purposes, to submit a report, accompanied by the following resolution; and I give notice that I shall ask for the consideration of the resolution to-morrow at the expiration of the morning hour.

*Resolved*, That the Committee on Territories be authorized to sit during the recess and to investigate as to the manner of the execution of the laws of the United States in the Indian Territory; also as to the wants and sentiments of the inhabitants of said Territory, and the advisability of creating a territorial form of government for said Indian country; said committee to have power to take testimony and send for persons and papers; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the said committee.

The report and resolution were ordered to be printed.

#### AMENDMENT TO AN APPROPRIATION BILL.

Mr. WASHBURN submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

#### THE LEVEE COMMITTEE.

Mr. CLAYTON. I am instructed by the Select Committee on the Levees of the Mississippi River to report the following resolution, and ask for its present consideration:

*Resolved*, That the Select Committee on the Levees of the Mississippi River be authorized to sit during the recess and to investigate and report upon the condition of the levees of the Mississippi River, and also upon the propriety of the Government of the United States assuming charge and control of the same, with a view to their completion and maintenance; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the select committee aforesaid.

Mr. EDMUNDS. That is a very important subject, and I think it had better lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. CLAYTON. Does the Senator from Vermont object?

Mr. EDMUNDS. I think it had better lie over as it involves very important considerations.

#### PERSONAL EXPLANATION.

Mr. SCOTT. I desire at the request of others who feel more interest in it than I do to correct, through the only medium through which it can be corrected, a statement which appears in most of the morning papers this morning. In the debate which occurred upon the moiety bill yesterday I am represented as saying that the moieties received by the officers at Philadelphia amounted in the last year to \$30,000. It is not the fact that that amount was received, and I did not so state, as the record of our proceedings shows.

#### COTTON PERMITS.

Mr. ALCORN. I ask leave to call up the resolution I submitted on the 29th of May. It will take but a little time to dispose of it.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to furnish the Senate with copies of all cotton permits issued by Presidents Lincoln and Johnson, also with the names of agents appointed by the Secretary of the Treasury to purchase cotton in the Southern States, with copies of the forms used by said purchasing agents, and with a copy of any instructions from time to time issued by the Secretary of the Treasury, or officers under him, to said purchasing agents.

Mr. EDMUNDS. I hope the Senator from Mississippi will not insist upon taking that up for passage. If he wishes to have it referred to the Committee on Finance for inquiry into the expense of this matter and the necessities of the Government in respect to it before this order is made, I should have no objection; but if he wishes to take it up for consideration with a view to having it adopted without being referred to any committee whatever, I hope the Senate will not take it up, but will allow us to proceed with the regular order of the Calendar of unobjected cases in order to dispose of as much business as possible.

Mr. ALCORN. I do not think it is necessary to refer this resolution to the Committee on Finance, and if the Senate will take it up and pass upon it it will occupy but a little time. If the Senate after it has heard me for five minutes votes down the resolution I will say no more about it. I only want to present the case and the necessity for this resolution, and refer it to the judgment of the Senate as to whether we shall be entitled to have the information or not.

Mr. SHERMAN. I desire to suggest to the Senator from Missis-

issippi an amendment, to call only for the papers not already printed. There have been several volumes on that subject.

Mr. ALCORN. Well, I am willing; "all that have not been printed." All that have been printed already I am willing as a matter of course should be excluded.

Mr. EDMUNDS. The resolution is not up yet.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of this resolution?

Mr. BOUTWELL. I should like to have the resolution read.

The PRESIDENT *pro tempore*. The resolution will be read.

Mr. ALCORN. An amendment is suggested by the Senator from Ohio.

Mr. EDMUNDS. It cannot be amended until we conclude to consider it.

The Chief Clerk again read the resolution.

Mr. ALCORN. I will add a proviso that nothing shall be reported that has heretofore been transmitted and printed.

Mr. BOUTWELL. I hope that resolution will not be taken up at this stage of the session, for it involves matters of great consequence; but if it is taken up, I shall ask that it be referred to the Committee on Finance.

Mr. ALCORN. It has been laid over for several days.

Mr. BOUTWELL. I hope it will not be taken up. We have other matters to attend to of more consequence.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Mississippi to proceed to the consideration of the resolution.

The motion was not agreed to.

#### THE DISTRICT GOVERNMENT.

Mr. MERRIMON. Is the morning business over?

The PRESIDENT *pro tempore*. Resolutions are in order. [A pause.] There seems to be no further morning business.

Mr. EDMUNDS. I move to proceed to the Calendar of unobjected cases.

Mr. BOREMAN. I have a resolution which I wish to offer, or rather a motion to make. It is to reconsider the vote by which the bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes, was passed. I move to reconsider that vote.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the motion?

Mr. BOREMAN. Yes, sir. I make this motion in order that I may understand a proposition in this bill which I regard as a very important one, if I apprehend it correctly. This bill had been reported but a very short time before action was taken upon it by this body. I admit that I had not read the bill when it came up for consideration yesterday. I listened to the reading of it by the Secretary, but in the hurried transaction of business here in the latter part of the session, of course it is very difficult to hear everything that is read at the desk. I find that in the fourth section of this bill it is provided—

That for the support of the government of the District of Columbia, and maintaining the credit thereof, for the fiscal year ending June 30, 1875, there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes, namely:

If I understand this provision correctly, it is intended to inaugurate in this District the taxation of a class of property which has never hitherto in this country, so far as I know, been taxed; that is, the property belonging to all the churches located within the District. If I had noticed this provision yesterday, I should have asked for a vote by yeas and nays on a motion to strike it out to see whether the Senate is prepared at this particular time and upon this particular bill to inaugurate a system of taxation which has never hitherto, so far as I know, been imposed in the United States.

I wish now to learn whether I give a correct construction to this provision in the bill. I trust that the chairman of the committee will explain to the Senate what the purpose of the committee is and whether the construction I give this clause, that it is intended to tax church property, is the correct one.

Mr. ALLISON. Mr. President, in reply to the question of the Senator from West Virginia, I would say that it was the intention of the committee to exempt only real estate used for educational purposes and belonging to charitable institutions. The Congress of the United States three or four or perhaps five years ago passed an act exempting in this District all church property from taxation. The church property amounts to about one-fifteenth of the real estate in this District; and the vast improvements that have been made in this District have been made in and around church property at the expense of the property-holders living upon the street to a large degree and at the expense of the whole city, amounting in the aggregate to nearly \$20,000,000.

The committee found themselves in a position where it became necessary to tax the property of this District to relieve it from its embarrassment. The council of the local Legislature in this District recommended that church property be taxed. The house of delegates have recommended that church property be taxed for this purpose. It is a temporary tax. It only applies to the year 1875. We have submitted it to a joint committee of the two Houses for the purpose of readjusting taxation in this District, as well as every other question involved in it; but we believe that all the real estate in this District

should bear its proportion of the temporary burden required to lift up this District from its insolvency and embarrassment, and therefore we put in this provision, and I believe the Senator from West Virginia gives it the proper and correct construction.

Mr. STEWART. I hope no motion to reconsider this bill will be entertained. If it is opened once our work will be lost. I do not believe that on the whole it can be improved. All these matters were considered, and considered in great detail and at length; and I wish to say here that I have heard considerable complaint about this 3 per cent. tax. It is only on real estate; and this city has been vastly improved and the people have been largely benefited by these improvements. The tax is no more burdensome here than it is in many cities outside of Washington. It is for improvements that have enhanced the property of all the citizens here. It is an improvement tax. Other cities have not regarded such a tax as objectionable. If 3 per cent. alone were levied on their real estate they would not complain. The people of this District must not complain. They cannot have a beautiful city without bearing their proportion; and if they do that the people of the United States will say that Congress shall be liberal and shall bear its just proportion, we having laid the city out on a scale of magnificence that it is impossible for the people here to maintain alone. But when the people here have done their duty, and their full duty, they can call upon the people of the United States through Congress to contribute in a just proportion to make this the capital city. We have provided for an investigation of what shall be the just proportion; but in the mean time the people here must stand their fair share.

As to church property it is an open question whether it would not be better to have that property taxed as private property is. There is a difference of opinion among the churches on this question as a general proposition. But in this case when the churches own large quantities of real estate that they are not using for immediate purposes, and it has been largely enhanced in value by these improvements, this special tax should be paid by them with cheerfulness. I believe it will be. I do not believe any church will complain of this. It does not touch the general question whether church property should be taxed at all times or not; but it reaches the question whether church property held for speculative purposes, held for its enhancement in value, having been so enhanced by these improvements, shall pay its proportion of the cost of the improvements. That is the question. The committee considered it. It is no new question. We do not pass now upon the general question of whether church property shall be taxed; but we say in this special instance in Washington, it having been improved at large expense and enhanced largely in value, there is no way of meeting the expense except by taxing the whole property. We cannot exempt one-tenth of the property of the District from taxation and meet the expense by any appropriation that Congress will probably make in addition to the taxation that the people must pay. These questions have all been considered, and I hope the bill will not be reconsidered for any consideration.

Mr. SARGENT. I did what I could, as is known to the Senate, last evening to lead with courage a somewhat small minority. I made then all the fight I desire to make on the bill. I trust the bill will meet the expectations of the able committee who report it. I do not believe at this late hour we ought to reopen the question again, and I therefore desire to say only that I shall vote against the motion to reconsider.

Mr. BOREMAN. I do not propose to avoid the subject of taxation in this District. That is a matter that cannot be avoided, I apprehend. The debt of the District has to be paid either by taxation of the District or by appropriations from the Treasury of the United States, or in some other way that I am not advised of at this time. The only point I made was in regard to inaugurating a system of taxation of church property in this District, when it was not, so far as I knew, the practice in any of the States of the Union. If it is so I am not advised of it. I wish simply now to have a vote of the Senate upon the question of reconsideration. I do not know that the Senate will reconsider this vote; but I give notice that if they do I shall move to add to the exemption in the bill "property held for church purposes," so that the exemptions shall include not only property "belonging to the United States and to the District of Columbia and that used for educational and charitable purposes," but also "property held for church purposes." I should like to have the yeas and nays on the motion to reconsider.

Mr. THURMAN. Mr. President, I have but a very few words to say, for I do not wish to occupy the time of the Senate upon this matter.

This subject was fully considered in the committee, and nothing but the absolute necessity to raise a sufficient sum to meet the expenses of this District until a new frame of government can be established and the wishes, so far as we know, of the people of this District, certainly as manifested by the expression of their Legislature, to which allusion has been made by the Senator from Iowa, induced us to report the section to which attention has now been called, and we received not one single remonstrance against it. Although it was known that the bill contained that provision, although the bill has been read perhaps by nine-tenths of the people who can read in the city of Washington, and has been the subject of review in all the

newspapers, and this particular subject of taxing church property has been brought to the attention of the public by a resolution of the District Legislature, not one single remonstrance has been received against that provision of the bill.

I think any one who will make himself acquainted with the amount of church property that is held in this city, a great portion of which is not used for church purposes at all, but great blocks that are vacant and that have been improved in every way in which property can be improved, by the amelioration of the streets, the construction of sewers, and everything of that kind, without paying a single cent of taxes—every one will say that under the peculiar circumstances of the case these institutions should come in and help to lift this burden off the people of the District. I think there is no complaint about that at all.

Now I wish to submit a question, and that is, whether a motion to lay the motion to reconsider on the table is in order?

Mr. EDMUNDS. It is in order, and I hope the Senator will make it.

Mr. MORTON. I desire to say one word.

Mr. THURMAN. I would make it, but my friend from Indiana wishes to speak. I ask him will he renew the motion?

Mr. MORTON. I will yield the floor to you to do it.

Mr. President, I was not here yesterday when this bill passed. I have been called upon by several gentlemen, residents of this District, gentlemen who have not sympathized with this investigation, and who are friends of the existing government and of Governor Shepherd, who have made certain representations to me which I think were important and deserving of attention in regard to the tax levied by this bill. This bill provides for a tax of 3 per cent. upon real estate. I understand there is an existing tax of 2 per cent. that has not been paid also levied upon the same real estate to be collected upon the same assessment—an assessment made last year at a large valuation, in many cases larger than the property would sell for now in the present condition of the times and of the prices of property. They also represent that very many of the property-holders of the city have large assessments unpaid against them for street improvements, in some cases equal to half the value of the property, in other cases perhaps equal to the full value of the property. These gentlemen say that these two taxes, in all 5 per cent., together with the tax for the street improvements, will, in a great many cases, amount to the confiscation of the property; that the small property-holders, men in moderate circumstances, will not be able to pay. They think that great oppression, suffering, and distress will result from the provision in this bill in regard to taxation. They fully concur with the bill in other respects, that the present government ought to be abolished, and are satisfied with the general provisions of the bill, but they say that from their knowledge of the condition of the District, and of the indebtedness of the people and the general depression of the times, in their opinion this bill would amount to the confiscation of a large amount of property in this District.

Mr. THURMAN. Undoubtedly, precisely such representations as have been so clearly stated by the Senator from Indiana have been made. They were made to the committee. They were considered by the committee. But what are the facts? Why, sir, in the city in which I live, which is the lightest taxed city in Ohio, we pay in round numbers 3 per cent. on all the personal as well as real property; in the city of Toledo they pay 4 per cent. on all the real and personal property. There is not a city in Ohio of any magnitude in which there is not a tax of about 3 per cent. upon the whole personal as well as real property. It is altogether a mistake to say that this is a tax which cannot be borne. Why, sir, this bill relieves these people of two millions of taxation already levied upon them at one sweep. It lifts off two millions of taxes at one single dash of the pen from these people, and it is quite useless to say that they cannot bear this tax.

Mr. MORTON. I will ask my friend what is the gross amount of unpaid taxes or unpaid assessments for street improvements?

Mr. THURMAN. I cannot tell exactly. It is distributed into five payments. I will ask the Senator from Iowa what is the amount of unpaid street assessments?

Mr. ALLISON. Including the sewer tax and the unpaid assessments for the streets, there are over \$4,000,000 due.

Mr. THURMAN. What is the gross amount of the street assessments?

Mr. ALLISON. There are \$2,400,000 of street assessments, to which ought to be added \$1,050,000, which have already been disposed of, making over \$3,000,000 for street assessments alone.

Mr. THURMAN. Only one-fifth of that fell due this year.

Mr. ALLISON. That is true.

Mr. THURMAN. But I do not wish to take up time. I move to lay the motion to reconsider on the table.

Mr. SHERMAN. Does not that carry the bill with it?

Mr. EDMUNDS. No, sir; that has been decided over and over again.

Mr. THURMAN. It was decided by Mr. Colfax long ago that such a motion does not carry the bill with it.

The PRESIDENT *pro tempore*. The motion is in order.

Mr. THURMAN. It does not carry the bill with it.

The PRESIDENT *pro tempore*. It does not. The question is on the motion to lay the motion to reconsider on the table.

The motion was agreed to.



## ORDER OF BUSINESS.

Mr. EDMUNDS. I now renew the motion to proceed to the Calendar of unobjected cases under what is called the Anthony rule.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be reported.

Mr. BUCKINGHAM. Before we proceed to the Calendar I desire to make a motion. There are quite a number of bills reported from the Committee on Indian Affairs action upon which would be a great relief, some to the Indians, and some to the settlers on these Indian lands. I will ask once more that the Senate give me an opportunity to present these bills so that they may be acted upon at some particular hour, and if no better hour is suggested I will name six o'clock this afternoon.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that at six o'clock this afternoon the Senate will proceed to consider bills reported by the Committee on Indian Affairs.

Mr. EDMUNDS. I feel obliged to object. The Judiciary Committee is in the same category, and if we can go through the Calendar of unobjected cases we shall dispose probably of a good many of the bills of the Indian Committee and a good many of ours, and of the bills of every other committee. It is impossible at this stage in the session justly to set aside any time to any particular committee. It does not do justice to the rest of the Calendar, in my opinion.

Mr. BUCKINGHAM. Other committees have had hours set apart for them since I first made this application.

Mr. EDMUNDS. It is a very bad practice indeed.

Mr. BUCKINGHAM. It may be a very bad practice, but I do not know how otherwise we are to secure the interests of those represented by this committee.

Mr. EDMUNDS. You would have got some of those bills passed by this time if you had let us go on with the Calendar.

Mr. WASHBURN. I ask the Senate to take up a bill which is No. 691 in the order of business.

Mr. EDMUNDS. I believe the first bill on the Calendar has been already called.

The PRESIDENT *pro tempore*. The first bill on the Calendar is before the Senate.

## PROPOSED RECESS.

Mr. STEVENSON. I gave notice yesterday that I should move today to take a recess until half past seven o'clock for the purpose of considering House bill No. 2190, the pension bill relating to the soldiers of the war of 1812, and I now make that motion.

Mr. EDMUNDS. Is that motion in order?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I thought there was a later order which declared that we should have a continuous session from eleven to six o'clock.

The PRESIDENT *pro tempore*. The later order was that the Senate would sit from eleven to six o'clock. The Senator from Kentucky moves to take a recess from six until half past seven o'clock, which motion is in order under the former order of the Senate.

Mr. EDMUNDS. I respectfully submit that the motion to take a recess under the former order must be a motion to take a recess at the time when the motion is made. But I do not care anything about that; the Senate is full, and I would as soon the question should be taken now. I waive any point of that kind for the present.

The PRESIDENT *pro tempore*. The rule says "that during the present session it shall be in order at any time to move a recess." The motion is strictly in order.

Mr. EDMUNDS. I merely wish to say, by unanimous consent, as I suppose this motion is not debatable, that to take a recess for the purpose of considering this evening the pension bill which the Senator refers to is to take a recess which when you come to the measure involves the expenditure of a great many millions of dollars for a purpose which will require a good deal of debate before I am convinced that it ought to be done. Therefore I hope at this stage of the session that the Senate will not take a recess for any such purpose. In fact I may say as a point of order that that would be equivalent to making a special order, and you cannot take a recess for that purpose. You may take the recess, and then the Senator must take his chance about getting up the bill if he can. I hope we shall not take such a recess.

Mr. STEVENSON. Admitting the proposition of the Senator from Vermont that this may be in the nature of a special order, I only want to give notice that if we do take the recess it will be for the purpose of taking up this pension bill at the evening session. It may require a good deal of money. I will not deny the proposition of the Senator from Vermont that it may require millions of money; but to what more praiseworthy object could money be given than to the relief of the poor widows whose husbands lost their lives in the defense of their country? Many of them are about passing away, and from every part of this country petitions come up that this bare act of justice to the widows of these brave men shall be done. We can build in this city of Washington a single building that will cost \$6,000,000, which is about the proposed cost of the new Congressional Library; we can give millions of money for the improvement of this city, and yet when it comes to a bare need of justice to these poor widows, gentlemen think it is too expensive. But I do not intend to take up the time of the Senate. I hope we shall have a full vote on

the question whether we shall meet here at half past seven o'clock, and if we do meet I shall move to take up the pension bill.

Mr. EDMUNDS. I ask for the yeas and nays on this question. I want to determine now whether the Senate on the last day but one of the session is going into the matter of paying pensions to a large body of our fellow-citizens in the South, whose last achievement was being engaged in the rebellion. I want to have it distinctly understood and find out what the majority of the Senate wish to do at this time. As the question is not open to debate, I do not care about speaking upon it.

Mr. PRATT. Mr. President—

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent.

Mr. BOUTWELL. I must object.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on this question.

The yeas and nays were ordered.

Mr. SHERMAN. I call for the regular order.

Mr. CHANDLER. So do I.

Mr. SHERMAN. Pending the regular order of business I suppose this motion is not in order.

The PRESIDENT *pro tempore*. The motion is in order and the Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 34, nays 21; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Carpenter, Cooper, Davis, Dennis, Fenton, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hamilton of Texas, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pratt, Ransom, Saulsbury, Schurz, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Windom—34.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Chandler, Clayton, Conover, Edmunds, Frelinghuysen, Hager, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Scott, Sherman, Stewart, Washburn, West, and Wright—21.

ABSENT—Messrs. Allison, Boreman, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gordon, Hamilton of Maryland, Hamlin, Harvey, Ingalls, Jones, Logan, Pease, Robertson, and Wadleigh—18.

So the motion of Mr. STEVENSON was agreed to.

## ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business, which is the river and harbor bill.

Mr. WRIGHT. I trust the Senator from Michigan will consent to let us take up the conference report on the currency bill and have a vote upon it. I have no wish to say a word upon the subject and I do not suppose anybody else has.

Mr. EDMUNDS. I think that had better lie over a little while. I have not had time to examine it myself.

Mr. WRIGHT. All I want is to have the question disposed of as soon as possible. If it can be understood that it will be taken up in a short time hence—

Mr. EDMUNDS. I will withdraw my objection at the end of an hour from this time; and beyond that I merely wish to give notice that to-morrow morning, if we are all here, I shall again ask the Senate to go to the Calendar of unobjected cases and shall insist upon the regular order from this time to then.

Mr. FRELINGHUYSEN. I would ask the Senator from Michigan to give way to the Utah bill, laying aside his bill informally.

Mr. CHANDLER. I think we had better stick to the regular order.

## TRANSFER OF GOLD BARS.

Mr. SHERMAN. There is a Senate bill on the table which has been returned from the House of Representatives with a small amendment, upon which there is a necessity for immediate action. I therefore ask to have it taken up and acted upon now.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York, which was to insert after the words "coin at," in line 8, the words "market value."

Mr. SHERMAN. I move to amend the amendment by inserting in lieu of it the words "and not less than the market value" at the place I have indicated on the paper which I send to the desk. That will accomplish the object of the House. The language inserted in the House is in the wrong place. The bill simply authorizes the transfer of mint bars from the bullion fund of the assay office to the assistant treasurer at New York. It has passed the Senate already.

Mr. SARGENT. What difference does it make about the market value?

Mr. SHERMAN. The House, probably by inadvertence, have introduced those words at the wrong place, and I want them inserted at the proper place.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

## RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The first amendment reported by the Committee on Commerce was on page 4, after line 75, to insert:

For removing boulders and rock from the Detroit River, partly in Canadian waters, \$25,000.

The amendment was agreed to.

The next amendment was on page 5, in line 97, to insert after the words "Dunkirk, New York," the words "and Erie, Pennsylvania."

The amendment was agreed to.

Mr. SCOTT. I wish to add at the end of that line an amendment in accordance with the recommendation of the Department, and one to which I presume there will be no objection.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive the amendment now, though the usual course is to go through with the amendments reported by the committee. The Clerk will read the amendment proposed by the Senator from Pennsylvania.

The CHIEF CLERK. The proposed amendment is to insert after the word "dollars" in line 98 the words "of which not less than \$20,000 shall be expended at Erie;" so as to make the clause read:

For continuing the improvement of the harbor at Dunkirk, New York, and Erie, Pennsylvania, \$35,000; of which not less than \$20,000 shall be expended at Erie.

Mr. CHANDLER. There is no objection to that.

The amendment was agreed to.

The next amendment of the Committee on Commerce was in line 124, after the words "Saint Anthony," to insert the words "and for the improvement of the Mississippi River above the Falls of Saint Anthony;" so that the clause will read:

For continuing the improvement of the Falls of Saint Anthony, and for the improvement of the Mississippi River above the Falls of Saint Anthony, Minnesota, \$50,000.

The amendment was agreed to.

The next amendment was in line 127, to strike out after the word "for" the word "continuing," and after the word "the" in the same line to insert the words "survey or;" so that the clause will read:

For the survey or improvement of the Minnesota River, \$10,000.

The amendment was agreed to.

The next amendment was in line 130, to strike out after the word "river" the words "including repair of United States steamer Search, so that the clause will read:

For continuing the improvement of the Upper Mississippi River, \$25,000.

The amendment was agreed to.

The next amendment was to strike out in lines 141 and 142 the following clause:

For continuing the improvement of the White River above Jacksonport, \$50,000.

Mr. CLAYTON. I should like to ask the chairman of the Committee on Commerce what reasons governed the committee in moving to strike out this appropriation?

Mr. CHANDLER. I will give the reason. In the estimates of the board of engineers will be found this:

No work has been done under this appropriation—

The appropriation of \$50,000 made last year—

No work has been done under this appropriation beyond fitting a boat for service in those streams during the coming season.

Only snagging operations are contemplated. The appropriation will allow of five months' work, of which I propose to expend three in the White River, below Jacksonport, and two in the Saint Francis, below Witsburgh.

The report shows \$46,568 on hand of last year's appropriation, and as nothing but snagging is contemplated by the board of engineers, the committee deemed that fully sufficient for one year.

Mr. CLAYTON. We have in the State of Arkansas three thousand five hundred miles of navigable water, and with the exception of the small appropriation made for the Mississippi and Arkansas Rivers, most of which is made for the Mississippi River, if the recommendation of the committee be adopted not one cent will be appropriated toward rendering available those natural highways of thirty-five hundred miles in extent. I see from the report of General Humphreys that he recommends this appropriation of \$50,000 for the White and Saint Francis Rivers. I find that the chairman of the Committee on Commerce proposes to strike out this \$50,000, taking away from the State of Arkansas every cent of appropriation, with the exception that I have spoken of heretofore, and I find in looking over the amendments of the committee that for the Detroit River \$25,000 is appropriated. I have no objection to that appropriation being made, and I voted for it just now; but I do object to robbing poor Arkansas Peter to pay rich Michigan Paul.

A great deal has been said about cheap transportation; propositions are on foot now to expend tens of millions, perhaps hundreds of millions toward creating artificial means of transportation. It seems to me that it would be a wiser policy on our part to expend a few thousand dollars yearly, as we have been in the habit of doing, toward rendering available the means of transportation that nature has so admirably adapted to the commerce of this country. I do hope that the Senate will stand by me in this little appropriation of \$50,000 for thirty-five hundred miles of navigable water.

Mr. CHANDLER. I will say that there are very large appropriations in this bill for the Arkansas and other rivers; but this river, where it is simply proposed to use a snag-boat, some three hundred miles above where it unites with the Arkansas, is a small stream, and

there are no reports as to the commerce of the river, and there being \$46,568.39 on hand for snagging purposes the committee thought it was sufficient for this year.

I will state, furthermore, that of the \$4,500,000 appropriated in this bill there are something over \$2,000,000 for the Mississippi River and its branches. All the watershed of the Mississippi Valley is interested in the whole of that \$2,000,000. The committee has tried to so apportion it as to do the most good to the commerce of that great region.

Mr. CLAYTON. The large appropriation that the Senator speaks of as being made for the improvement of the Arkansas River is this:

For continuing the improvement of the Mississippi, Missouri, and Arkansas Rivers, \$100,000.

Mr. CHANDLER. There is likewise an appropriation for the Red River raft.

Mr. CLAYTON. That is not in Arkansas at all; it is in the States of Louisiana and Texas. A small portion of it touches the southern boundary of Arkansas, but a very small portion. The only appropriation you have now made for the State of Arkansas is \$100,000, which is to be applied for the Missouri, the Mississippi, and the Arkansas Rivers. I should like to know how much the river Arkansas will get after the Missouri and Mississippi Rivers have been provided for.

Mr. DAVIS. In my opinion this appropriation of \$50,000 ought not to be stricken out. I have looked over this bill with some care, and I find that the \$50,000 appropriated here is the only amount allotted to Arkansas, and by a little further inspection I find that Michigan—I refer to her as she has been spoken of—has \$475,000 in this bill and \$25,000 of that has been added since the bill came from the House. This is about the usual proportion. I think the figures will bear me out in saying that since the war about one-tenth, perhaps one-ninth of the entire appropriations for rivers and harbors has been given to one State on the lakes. Without stating it as a fact, I think the figures are pretty nearly what I stated when I assert that two States lying in the Northwest have got more from the public Treasury in the shape of river and harbor appropriations than the thirteen or fourteen States south of the Potomac. I think that is the fact.

Mr. CHANDLER. Mr. President—

The PRESIDING OFFICER. (Mr. FERRY, of Michigan, in the chair.) Does the Senator from West Virginia yield to the Senator from Michigan?

Mr. DAVIS. Yes, sir.

Mr. CHANDLER. The State of Michigan happens to have a larger coast line than any other State in the Union, and along that coast line more than one thousand millions of commerce pass annually. It is true that there are \$475,000 appropriated in this bill to those waters surrounding the State of Michigan. She is a peninsula with thirteen hundred miles of coast line. We cannot pass a river and harbor bill as a matter of course without having the appropriations for Michigan brought up, and I had some idea of commencing the consideration of this bill by reading about thirteen speeches that have been made in the last thirteen years calling attention to the appropriations for Michigan, and then reading one of my old speeches that I have made thirteen times in reply to them, which will answer just as well.

The Committee on Commerce pays no attention to State lines. Its duty is to appropriate for the commerce of the nation regardless of State lines, and it has endeavored to do it. Allusion has been made to the committee putting on \$25,000 for the mouth of the Detroit River. There is more than twelve millions of commerce passing that very point in seven months in the year, or two millions a month substantially. Michigan did not ask for that appropriation; it was asked for by every board of trade in the United States, from Boston to Philadelphia and Saint Louis. Pennsylvania, New York, Ohio, Indiana, Illinois, Wisconsin, all have ten times the interest in these appropriations that Michigan has. Why, Mr. President, Michigan has five parallel lines of railroad, all coming in below the Saint Clair flats, running through from lake to lake substantially completed, and the commerce of Michigan goes by rail to Detroit, and there is only \$25,000 here for the benefit of that great commerce.

Mr. CLAYTON. I should like to ask the Senator whether the Engineer Department has recommended that appropriation?

Mr. CHANDLER. Which appropriation?

Mr. CLAYTON. For the Detroit River.

Mr. CHANDLER. Certainly they have.

Mr. CLAYTON. I do not see it in General Humphreys' recommendation.

Mr. CHANDLER. I have it here.

Mr. CLAYTON. I have looked carefully over his recommendations and have not been able to discover it; but I voted for that.

Mr. CHANDLER. There were eight wrecks there last year. This is simply to remove boulders that have laid there since the glacial period; and by deepening the channel across the Saint Clair flats we have enabled them now to put on two thousand ton ships, and those two thousand ton ships touch these boulders and there were eight wrecks and a loss of \$178,000 last year alone. Now suppose you had a wreck or a rock discovered in New York harbor, how long would it be before there would be an appropriation put through here in post-haste to remove it? And yet there is more commerce passing that point during seven months in the year than there is in and out of the harbor of New York.

Mr. HAGER. Mr. President—



Mr. DAVIS. I gave way to the Senator from Michigan for a question. I have not heard the question yet.

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. DAVIS. I gave way to the Senator from Michigan for a question, but I have not heard it.

Mr. CHANDLER. I did not get up to ask a question. I answered one.

Mr. DAVIS. The Senator from Michigan has thought proper to say that the Committee on Commerce ignore State lines entirely. I fully agree with him in that respect. I think they have done so, as a rule, for a couple of States up North appear to get all and other States not a dollar.

Arkansas, as I understand, has as much navigable water as perhaps any State in the Union, more I am told than any other; and yet there is but \$50,000 appropriated to that State; she has hitherto got comparatively nothing; and even that \$50,000 is proposed to be stricken out by the committee, and \$25,000 of that sum—I presume it is of that sum, but certainly \$25,000—is transferred to the State of Michigan, when previous to that as the bill came from the House she had \$450,000, or about one-ninth of this whole bill.

My impression is that it would be unjust, unfair, and unstatesmanlike to strike out this \$50,000 appropriated to the Arkansas River. We all know it ought to be double or three times that in comparison with what a portion of the rivers in the Northwest received. It is a fact I believe that the Northwest, though they may have a great deal of commerce—that I say nothing about—have a large amount of appropriations, while there is an equal amount of commerce in other places that in this bill have nothing. Take the State of Missouri, for instance; \$25,000 was appropriated by the House in this bill for that State, and only \$25,000. That was the only appropriation affecting the State of Missouri, and yet it has been struck out by the Committee on Commerce. When the amounts were read in the bill for the States in the Northwest, including Michigan, nothing was said by any one on this side of the House; we were all willing to be liberal; but we believe it is right and just that an equally liberal spirit should meet the South and Southwest as is exhibited to the Northwest.

Mr. WINDOM. I desire to ask the Senator from Arkansas whether the amount appropriated by the House is the amount in the reduced estimates of the Department?

Mr. CLAYTON. It is the amount called for in the estimates for the White and Saint Francis Rivers.

Mr. WINDOM. Then I shall favor the proposition of the Senator from Arkansas. At the opening of this session of Congress, as will be remembered, the Departments were all requested to reduce their estimates. They revised them carefully; and in presenting these reduced estimates it is fair to presume that those officers of the Government who know best what the wants of certain localities are and the necessities of certain improvements have reduced them as low as they could consistently with the public service. In fact, I know the letter of the Engineer-in-Chief transmitting these reduced estimates to Congress says specifically that he has kept that fact in view and has reduced them as low as he could without detriment to the public service. Believing that to be true, I shall sustain this appropriation.

I want to say further, while on this subject and on the floor, that there is no bill which will be brought before the Senate about which I propose to be so liberal in appropriations as this bill, for the reason that there is no other bill brought before Congress that leaves behind it, to show for the appropriations made, substantial benefits to business interests of this country; at least none that can be compared with this. And yet I think it is true, Mr. President, that for the last ten years no bill has been brought before Congress about which there has been so much criticism—I was going to use the term "penurious higgling," but I will not use it—about which there has been so much criticism as this bill. You bring in the sundry civil appropriation bill which passed the House recently, which appropriates \$600,000 for the survey of the coast around this country—proper enough; I do not object to it—but when that \$600,000 appropriation is discussed here, you will probably find no objection to it whatever. The same bill appropriates \$750,000 for a public building in one place and a million and a half for public buildings in another place; but when we propose to appropriate \$50,000 to benefit the section of country represented by my friend from Arkansas we stand here and discuss it, seeking to strike it down, finding fault with loading the bill, and all that.

Mr. President, I am in favor of putting upon this bill whatever is necessary for the business interests of the country. It leaves behind it something to show for the appropriation. When you appropriate money to pay salaries, or for nearly every other object that we appropriate money for in the Senate, it passes away with the end of the year and leaves nothing behind to benefit anybody. This is the people's bill for the people's interest, and to benefit commerce in this country, and on it I am willing to stand for all proper appropriations recommended by the Departments, especially when they have been called upon to revise and reduce their estimates and they say they cannot bring them below a certain point without detriment to the public service, as I believe is the case with my friend's proposition.

Mr. SPENCER. Being a member of the Committee on Commerce, I wish to say that I endeavored in the committee to have the Ouachita River substituted for the White River. The White River above Jackson-

port is an unimportant stream; the country is sparsely settled; there is no commerce there, and very little use for the appropriation. I would say to the Senator from Minnesota that the revised estimates of the engineers do not recommend such improvements as these as necessary. I am sorry to see the appropriation for Arkansas stricken out, and I endeavored in the committee to stop it; but I sought to substitute the Ouachita River for the White River. The Ouachita River drains a rich alluvial country, and its improvement would benefit commerce. There is no necessity for this improvement of the White River above Jacksonport.

Mr. BOGY. I will not detain the Senate on this matter beyond the statement of a fact. I hope this appropriation will not be taken away from the State of Arkansas. White River can be made navigable for a large portion of the year with a small annual improvement. It drains all Northern Arkansas, flowing in a westerly direction along the northern line of the State of Arkansas and not far from the southern line of the State of Missouri, and it is a most important stream and the only outlet for that portion of Arkansas. It drains some ten or twelve of the finest counties of that State, counties that are improving in population every day, a fine cotton region; and it is the only means by which that portion of the country, Northern Arkansas and Southern Missouri, can get to market except by the old way, with mules and horses. If this river is not improved by a small annual improvement it becomes unnavigable on account of logs and driftwood brought down every spring.

In the revised estimates the sum of \$50,000 is recommended for this improvement. In the original estimates the sum of \$64,000 was recommended, but in the revised estimates made in December, 1873, sent to Congress in January, 1874, under the resolution of the House of December 7, 1873, the sum of \$50,000 is recommended as the amount necessary for that river. If we are to take anything as our guide in these appropriations, it does seem to me that these estimates are the best guide. I do hope this small appropriation will be retained, because I know it is important and without it that river is unnavigable for this year.

Mr. CHANDLER. Last year the Committee on Commerce put in a clause requiring the engineers in making surveys to give the statistics of commerce of all the harbors and rivers where appropriations were made, and in nearly all cases those statistics of commerce are given. They were required to do the same in regard to White River, but there are no statistics of the commerce of White River given. As there was \$46,568 on hand, the committee thought it was as well for them to expend that \$46,568, and return the statistics of the commerce of the river in their annual report. In almost every instance the statistics of commerce are given where any appropriation has been made.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce striking out the clause.

Mr. CLAYTON. I suppose the vote "no" on this will be to retain the appropriation.

Mr. SCHURZ. That is understood.

The PRESIDING OFFICER. Those voting "ay" vote to strike out the appropriation.

The amendment was rejected; there being on a division—ayes 16, noes 30.

The next amendment reported by the Committee on Commerce was to strike out lines 143 and 144, as follows:

For continuing the improvement of the Osage River, Missouri, \$25,000.

Mr. SCHURZ. I hope the Senate will not agree to this amendment. Much that has been said about the White River is applicable to the Osage River; and also the report of the engineer shows that the amount required in addition to the balance left of the last appropriation was \$125,000. The revised estimates show that the board of engineers ask for the appropriation made here and now moved to be stricken out by the Committee on Commerce.

The question may be asked what is the commerce of the Osage River; and I suppose the committee had no statistics about that very likely. I can inform the committee that there is a very extensive mining industry springing up on the banks of that river which absolutely requires for the transportation of its products the improvement of the river.

The improvement has been commenced, and I think it is a matter of experience that when improvements are commenced and are interrupted then the good that has been achieved by the expenditure of the money is lost by the parsimonious refusal of the amount required to complete them. I hope, therefore, that the Senate will not agree to the amendment proposed by the committee.

Mr. CHANDLER. The same remarks which were made about White River will apply to this. I have no further remark to make.

Mr. BOGY. I will only state that this \$25,000 is recommended in the revised estimates. The same amount was appropriated last year. The total amount recommended for this river was \$125,000, which would effect the entire improvement of the Osage River, a river which is navigable for two hundred and fifty miles and requires but a small improvement. This sum is recommended in the revised estimates and is the only sum appropriated for the improvement of any rivers in the State of Missouri except the Missouri River itself and the Mississippi. I do hope the amendment will not be sustained.

The amendment was rejected.

The next amendment of the Committee on Commerce was in the appropriation for continuing the improvement of the Mississippi River between the mouths of the Ohio and Missouri Rivers, in line 146, to strike out "Missouri" and insert "Illinois," and after the word "dollars," in line 147, to insert the words "and \$15,000 of said amount shall be expended between the mouths of the Missouri and Illinois Rivers."

The amendment was agreed to.

The next amendment was after line 184 to insert the following clause:

For removing obstructions in the Choctawhatchie River, Alabama and Florida, \$5,000.

The amendment was agreed to.

The next amendment was after line 190 to insert the following clause:

For the improvement of the Chattahoochee and Flint Rivers, Georgia, \$25,000.

The amendment was agreed to.

The next amendment was after line 196 to insert the following clause:

For the improvement of the Apalachicola River, Florida, \$10,000.

The amendment was agreed to.

The next amendment was after line 200 to insert the following clause:

For the improvement of Chester River, at Kent Island Narrows, Maryland, \$5,000.

The amendment was agreed to.

The next amendment was after line 204 to insert the following clause:

For the improvement of Elk River, Maryland, \$5,000.

The amendment was agreed to.

Mr. JOHNSTON. I desire to offer an amendment to the clause in regard to continuing the improvement of the James River; but I presume I had better let the committee's amendments be first acted upon.

The PRESIDING OFFICER. The amendments of the committee will be acted upon first.

The next amendment of the Committee on Commerce was after line 229 to insert the following clause:

For the removal of obstructions in the harbor and the construction of a pier at New Castle, Delaware, \$10,000.

The amendment was agreed to.

The next amendment was after line 234 to insert the following clause:

For continuing United States pier in Delaware Bay, near Lewes, Delaware, \$10,000.

The amendment was agreed to.

The next amendment was in line 249 to strike out the words "and Harlem Rivers" and to insert the word "river;" so that the clause will read:

For continuing the improvement by removing obstructions in the East River, at or near Hell Gate, \$225,000.

The amendment was agreed to.

The next amendment was after line 256 to insert the following clause:

For the improvement of the harbor at Fall River, Massachusetts, \$10,000.

The amendment was agreed to.

The next amendment was in line 262 to increase the appropriation for continuing the improvement of the harbor at Newport, Rhode Island, from \$5,000 to \$10,000.

The amendment was agreed to.

The next amendment was after line 276 to insert the following clause:

For the improvement of the harbor at Milford, Connecticut, \$5,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill down to and read the following clause:

For removing wrecks and rocks off the harbor of San Francisco, California, \$25,000.

Mr. SARGENT. I wish to offer an amendment at this point. Is it by order of the Senate that the amendments of the committee are first acted on?

The PRESIDING OFFICER. That is the practice of the Senate.

Mr. SARGENT. I believe it is in order for me to offer an amendment.

The PRESIDING OFFICER. It has been the custom of the Senate to act on the committee's amendments first and take up other amendments afterward.

Mr. SARGENT. I should like to offer an amendment to the first section, but I will reserve it.

The PRESIDING OFFICER. The Senator will have an opportunity after the committee's amendments are acted upon.

The next amendment of the Committee on Commerce was in lines 319 and 320 to strike out the words "for examinations and surveys of rivers and harbors, and," and in line 321 to strike out "\$75,000" and insert "\$25,000;" so as to make the clause read:

For incidental repairs of harbors for which there is no special appropriation, \$25,000.

Mr. DAVIS. That amendment strikes out all the surveys that are

contained in the bill. The bill as it came from the House appropriated \$75,000 for the examination and survey of different rivers and harbors. The committee propose to reduce the appropriation to \$25,000 instead of \$75,000 as it is now. If the amendment prevails, no other surveys will be ordered.

Mr. SARGENT. Then they strike out the whole of the second section providing for examinations and surveys.

Mr. DAVIS. I understand that. I have stated the effect of the pending amendment, but as there was a good deal of noise in the Chamber, perhaps I was not heard. I see the Senator from Michigan [Mr. CHANDLER] hold his hand to his ear as if he wanted to hear what I have to say, and I wish him to hear me.

The pending amendment proposes to reduce the appropriation for examinations and surveys of rivers and harbors from \$75,000 to \$25,000. This is followed by an amendment striking out the second section, which contains all the surveys ordered by the House. Some of them perhaps may be unnecessary; that I know nothing of; but in that section there are some very important surveys provided for, surveys which I know personally are of the highest importance. The result will be to prevent all surveys of rivers and harbors. It is a blow at the whole system. Further than that, as I understand, appropriations hereafter can only be made after surveys by the Government, and if we make no surveys, no appropriations can be made hereafter. I believe I am right in that. The surveys of the Northwest, and perhaps of the North and much of the other portions of the country, have already been made. Unless these surveys are ordered, many of which are of important rivers, although some of them may be unimportant, no appropriation can be had in the future for them. I therefore hope the amendment will not be agreed to.

Mr. CHANDLER. There are a very large number of surveys in the second section, unquestionably some of them very important, and others unimportant. The House will undoubtedly non-concur in our amendments and ask for a committee of conference, and in that committee of conference the more important surveys will no doubt be retained. Heretofore we have ordered some surveys which ought never to have been made, surveys of small creeks and small streams. In one instance, I think, we ordered the survey of a creek that had but eight inches of water and was about eight feet wide. It was simply ridiculous. Nobody knew anything about it; but it was inserted, and the Government engineers went to survey this little creek with about eight inches of water and eight feet wide. If the Senate shall see fit to stand by the committee in its recommendations the more important surveys, surveys that are really important, will undoubtedly be put in by a committee of conference. If the Senator has any surveys he desires to have made I will accept them before the section is stricken out, which will bring them before the committee of conference.

Mr. RAMSEY. Will the Senator then accept an amendment on page 15, after line 22, to insert "Red River of the North from Breckenridge to Moorhead?" I will furnish it to the Senator.

Mr. CHANDLER. Certainly, I will accept that.

Mr. HAGER. Will the Senator accept an amendment for the Sacramento and Feather Rivers, in California?

Mr. CHANDLER. Certainly, if the Senator will prepare it.

Mr. HAGER. It will be found in lines 31 and 32 of the second section.

Mr. CHANDLER. The Senator from Kentucky had a survey that he desired to have inserted, which I will accept.

Mr. KELLY. I am altogether opposed to striking out any part of this sum. I think that every survey that is contemplated in the second section ought to be made. It is a well established fact that Congress will make no appropriation for the improvement of any river or harbor until a survey is made by some competent authority of the United States. Now, if section 2, which follows this clause, should be stricken out, of course we can expect no appropriations whatever for any work mentioned in it.

Mr. CHANDLER. Of course enough of section 2 will be restored to carry out any surveys that may be agreed upon in the committee of conference.

Mr. KELLY. I wish to say a few words in relation to those surveys proposed to be stricken out in section 2 so far as Oregon is concerned. I will refer to that section because it is affected by this proposed amendment. First is the survey of the "Cascades and Dalles of the Columbia River, Oregon and Washington Territory." That is an important matter. At the Cascades there is an obstruction in the navigation of about three miles. If that were surveyed and, as the people there think, an improvement made by canal and locks, it would open the river from the sea to east of the Cascade Mountains. It is now obstructed at that place, and the people, through the Legislatures of Oregon and Washington Territory and Idaho, have asked for an appropriation that that survey may be made. It is of very great importance to us.

Then there are three others: the Skagit River, the Snohomish River, and the Chehalis River. I speak now in behalf of the people of Washington Territory who have no representative here. They desire that those surveys should be made by some competent authority of the United States.

While I am on my feet, I will refer to an item on page 15, line 28: Snake River, Idaho, from Shoshonee Falls to Lewiston, examination and estimates for removing bowlders and other obstructions.



That river is the boundary between Oregon and Idaho, and it is thought by many people in Idaho that if the obstructions there were removed and those at the Cascades and the Dalles, there could be a continuous line of navigation from the sea to within one hundred and fifty or two hundred miles of Salt Lake Valley. I say it is important that these surveys should be made, so that we may know in some future year, perhaps next year, whether an appropriation ought to be made. Therefore, so far as Washington Territory and Idaho Territory and the State of Oregon are concerned, I do hope the amendment will not be concurred in. Other gentlemen can speak for their own localities.

Mr. WASHBURN. I ask to offer an amendment to come in after the third line on the fourteenth page:

New Bedford Harbor, Massachusetts.

I believe the chairman of the committee proposed to accept that.

Mr. CHANDLER. I will accept it.

Mr. WASHBURN. I wish to say one word in reference to that amendment.

The PRESIDING OFFICER. Is this an amendment to the amendment of the committee, or is it an original amendment?

Mr. WASHBURN. It is an original amendment.

The PRESIDING OFFICER. The custom has been to act upon amendments reported by the committee in charge of the bill before other amendments are proposed. The Chair has refused to entertain other amendments, and to preserve the custom of the Senate and the consistency of the Chair he will be compelled to follow that practice.

Mr. WASHBURN. If the President understands the question, this is an amendment to the section which the committee propose to strike out, and which amendment the committee propose to have offered before the section is stricken out.

The PRESIDING OFFICER. The Senate have not reached the point where the Senator proposes to make his amendment. He will wait until that point is reached. The question is on the pending amendment of the Committee on Commerce.

Mr. BOGY. What amendment is before the Senate?

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. On page 14, lines 319 and 320, the committee report to strike out these words: "for the examinations and surveys of rivers and harbors, and," and in line 321 to strike out "75" and insert "25;" so that the clause will read:

For incidental repairs at harbors for which there is no special appropriation, \$25,000.

Mr. BOGY. I hope the amendment will not be adopted. I think it presents a question of very great importance. The time has come when the rivers of the interior country must be examined by scientific men and the facts developed by those examinations laid before Congress that they may legislate knowingly and intelligently on the subject. To reduce this sum to \$25,000 and to provide that it shall be used only for incidental repairs of harbors for which there is no special appropriation, is destroying the object which the House of Representatives had in view in appropriating \$75,000 for examinations and surveys of rivers for which there are no special appropriations. It is of the greatest importance that the rivers of the interior of the country, those great outlets and means of transportation by which the vast wealth of the interior of the continent can reach the ocean, should be examined, and the amount of \$75,000 is very small for that object. The harbors spoken of here are harbors on the ocean and the lakes principally.

In addition to that, we have a commerce in the interior of the country which is growing with enormous rapidity, and it becomes the duty of Congress to legislate with a view to that vast and rapidly growing commerce in the West. An examination of these rivers is of the very greatest importance. I hope, therefore, the amendment will not be adopted, but that the appropriation will remain as it passed the House, at \$75,000, for examinations and surveys of rivers, as well as for incidental repairs to harbors.

Mr. HAGER. I agree with the Senator from Missouri in regard to the expediency and the necessity of retaining the section proposed to be stricken out, so far at least as the Sacramento River below Tehama and the Feather River below Marysville, California, are concerned. I will state that the Sacramento River traverses the Sacramento Valley, and I do not know that a dollar has ever been expended upon that river by the Government hitherto. It has all been done by private enterprise at the expense of private individuals to keep that river open. The whole expenditure upon the coast of California, which is far more extensive than that of the State of Michigan which the Senator has referred to, is \$25,000. For that whole coast, from Oregon down to Mexico, the appropriation in this bill is the insignificant sum of \$25,000 to remove a wreck in the harbor of San Francisco. After a struggle this clause was inserted in the House to obtain a survey of the Sacramento River from Tehama down, and of the Feather River from Marysville down, being navigable streams, and it is, I believe, the first attempt to improve those rivers by the order of the Government.

Mr. SARGENT. My colleague will also find a survey provided for of the San Joaquin River below Stockton, a great channel of commerce, in line 50, on the next page—

Mr. HAGER. I was going to see if the San Joaquin was in.

Mr. SARGENT. Yes, sir; it will be found in line 51, page 16.

Mr. HAGER. That river traverses the other valley running south. The principal portion of the arable lands of the State of California is the valley of the Sacramento and the valley of the San Joaquin, both of these rivers being navigable, and being necessary for the transportation of the agricultural products from the head of each valley to tide-water. Now it is proposed to obtain merely a survey in regard to the improvement of these rivers. Several hundred thousand dollars have hitherto been expended on the Sacramento River by the steam-navigation companies, and by private enterprise entirely. I hope this small effort to obtain some assistance for the navigable streams in California will not be stricken out, especially as we have but \$25,000 for that whole Pacific coast appropriated in this bill. I propose to offer an amendment for an increase in regard to other harbors.

I merely wish to make another remark. I find on page 1 of this bill this clause:

For continuing the improvement of the harbor at Ontonagon, \$23,000.

I ask for information why that is there, after it has been withdrawn by the Department in the revised estimates which I hold in my hand, page 22?

Mr. CHANDLER. It was restored at the request of the board of engineers; and I hold their recommendation in my hand, which was sent, and very urgently sent, to the Committee on Commerce in the other House. Here is the recommendation.

Mr. HAGER. Then the Senator will thank me for giving him the opportunity of stating that.

Mr. CHANDLER. Certainly; I do very much.

Mr. MITCHELL. I desire to say a few words in reference to this matter. I shall oppose the amendment proposed by the Committee on Commerce by which they propose to strike out "seventy-five," in line 32, on page 14, and insert "twenty-five." I shall also oppose the proposed amendment to strike out the whole of section 2 of the bill, and for the reasons which I will state. It is substantially conceded by the chairman of the Committee on Commerce that there are surveys proposed by this section that are meritorious and that should be retained in this bill; but it is said by the honorable chairman that they may be retained by a committee of conference. Now, sir, I do not propose, so far as my action is concerned, to take the chances of a committee of conference in regard to a matter that is conceded to be right, in regard to surveys that ought to be retained in this bill, and which the chairman of the Committee on Commerce concedes should be retained in it. I have seen enough of the action of committees of conference in the short time I have been here to satisfy me that it is not very safe to trust to their action in regard to matters of this kind; and therefore I propose that what is right shall be retained now by the Senate.

The first survey contained in section 2, which has been stricken out by the Committee on Commerce, relates to the survey of the Cascades and Dalles to the Columbia River, Oregon, and Washington Territory. It may be that there are certain surveys provided for in this section that ought to be stricken out. If that is so, then it appears to me that that was the duty of the Committee on Commerce, and before reporting the bill they should have stricken out the proposed surveys that have no merit and retained those that have merit.

Now, sir, in regard to the survey of the Columbia River, I desire to offer this suggestion: A great cry is made here to-day by the representatives from the Mississippi Valley about the want of cheap transportation. They are paying I presume at the rate of but a little less than one cent per ton per mile, for getting their produce from Chicago to New York, for instance. I do not deny the justice of their complaint, but I desire to draw a comparison for a moment between the charges paid by the producer in the great Mississippi Valley and the charges imposed upon the producer in Oregon, Washington Territory, and Idaho. The Willamette River is no mere creek, as it was designated by the Senator from New York [Mr. CONKLING] the other day. We are sending out to-day from the port of Portland on this "creek," so designated by the Senator from New York, over one hundred and fifty ship-loads of wheat the present year. We are paying to-day for transportation from Portland to Umatilla, a distance of two hundred miles, a freight charge of twenty-five dollars a ton. This is at the rate of twelve and a half cents per ton per mile. How does that compare with the charges imposed upon the people of the Mississippi Valley of one cent, in fact less than one cent per ton per mile that they are now paying? Nine and six-tenths mills is about the average cost of water transportation between Chicago and New York, while by rail it is a little over one cent, twelve and one-tenth mills; whereas the people of Oregon and Washington Territory are paying for transportation on their freight on the great Columbia River at the rate that I have stated, namely, twelve and a half cents per ton per mile, and that in gold coin.

Sir, this bill as reported by the Committee on Commerce proposes to give in all for the improvement of the Columbia and Willamette Rivers, how much? About \$47,000 all told, less than 50 per cent. of the whole sum contained in the estimates for that service. If there is any one thing that the people of the North Pacific coast are united upon, it is on opening up the commerce of the Columbia River; it is in favor of immediate surveys of the portages at the Dalles and the Cascades of the Columbia River, and estimates made in order that

the Government may be informed in regard to the practicability of constructing dams and locks, and in regard to the cost of such improvements. Therefore I object to striking out the whole section containing proposed improvements so meritorious as this one is, simply because there may possibly be certain proposed improvements contained in the section that have no merit.

A survey is asked here of the Snake River, extending on up to Idaho, so as to connect the waters of the Columbia River with the point where the North Pacific Railroad will strike the waters of that river. A small appropriation is asked for the survey of that river. That has been stricken out, and yet it is a matter of vital importance to the people of the North Pacific coast, and a matter that will cost comparatively but a small sum, as has been stated by my colleague. The Legislatures of Oregon, of Idaho, and of Washington Territory have been unanimous in their demand for a survey and estimates at the Cascades and Dalles of the Columbia River. It seems to me it would be doing that portion of our country a very great injustice to refuse them the small favor they ask, of having a survey made, which at most can cost but a very small sum, in order that the Engineer Department of the Government may be advised with reference to the practicability and cost of these proposed improvements.

I do not desire to detain the Senate, but I insist that the amendment proposed by the Committee on Commerce in reference to this whole section should be voted down and the section retained.

Mr. CHANDLER. The Committee on Commerce recommended the striking out of the whole section for the reason, that the recommendations and papers on which this section was put in were not before the Committee on Commerce. The committee were aware that there were some surveys which ought to be made. Undoubtedly those to which the Senator from Oregon alludes ought to be made; but in regard to appropriations for Oregon every dollar that was recommended either in the original or the revised estimates of the engineers has been appropriated.

Mr. MITCHELL. I beg pardon. The Senator must be wrong.

Mr. CHANDLER. I have the papers before me, and I say that in every instance the revised and original estimates have been followed in regard to Oregon, and I believe that is the only instance where that has been done in any of the appropriations before the Committee on Commerce.

Mr. MITCHELL. What is the estimate for the Upper Columbia River?

Mr. CHANDLER. The original estimate was \$20,000; the revised estimate \$20,000; and the appropriation is \$20,000.

Mr. MITCHELL. What does the report of the Chief of Engineers say?

Mr. CHANDLER. I have it before me.

Mr. MITCHELL. I read from page 1122 of the report of the Chief of Engineers:

The following is a statement of the moneys expended and available for this improvement during the fiscal year—

Speaking in reference to the improvement of the Upper Columbia River—

Available July 1, 1872..... \$50,000 00

That was the appropriation made in 1872. There was no appropriation made for the present fiscal year; and the Chief of Engineers is now speaking in reference to the appropriation made in 1872, and the improvement made in pursuance of that appropriation, and he says:

Expended—

Removal of rocks.....	\$19,296 69	
Superintendence, office expenses, &c.....	2,488 98	
		21,785 67

Balance on hand June 30, 1873.....	28,214 33
Amount required for fiscal year 1874-75.....	50,000 00

That is what the Chief of Engineers says in regard to it, that the amount required for the next fiscal year, not the present fiscal year, is \$50,000.

The amount asked for the next fiscal year will be applied to the improvement of Homly Rapid, and such other work as may tend eventually to put the rest of the river, from the Dalles to the crossing of the North Pacific Railroad, (near Snake River,) in the same condition for navigation as the John Day, Umatilla, and Devil's Bend will be when the present contract is finished.

Next, in reference to the estimates for the Upper Willamette River, the amount allowed by the House and also reported by the Committee on Commerce of the Senate is \$7,500. I will read what the engineer says in relation to that.

Mr. CHANDLER. If the Senator will pardon me, he is reading from the report of the local engineers, while I am reading from the report of the Chief of Engineers, as submitted by the President at the opening of the session. We are reading from entirely different documents.

Mr. WEST. There is no particular question in the amendment that concerns my locality, but I think the Senate ought to understand in general terms what the proposition of the committee is. This bill as it comes from the House includes an appropriation of \$75,000 for the surveys of the various water-channels of the country embraced within twenty-six States and Territories of the Union. Therefore twenty-six States and Territories are interested in having these surveys prosecuted.

The amount appropriated for this purpose last year was \$200,000.

Mr. CHANDLER. One hundred and twenty-five thousand dollars.

Mr. WEST. One hundred and twenty-five thousand dollars last year. The Senator is correct. I meant to say that \$200,000 was asked for this year. Two hundred thousand dollars was asked for, and the House of Representatives have given \$75,000, or \$3,000 to each State and Territory, averaging it, to be distributed throughout this whole Union in the prosecution of the surveys of the water courses of the country. Has anything more penurious been recommended by any committee than to reduce that down to \$1,000 per State and Territory? I do not think when the Senate understand it they will accede to any such proposition.

Mr. DAVIS. Let me correct my friend from Louisiana. The committee's amendment proposes to give nothing whatever to any State for surveys; and if the amendment be adopted no survey can be made in any State.

Mr. WEST. That is so, I see, except for repairs. Now, with the experience we have had appropriating here year after year hundreds of thousands of dollars for this purpose, when the Department ask for \$200,000, it is penurious and poor economy to restrict it to merely \$25,000 for repairs. I am convinced when the Senate understand the matter they will vote it down.

Mr. WRIGHT. I wish to make an appeal to the Senate. I sought immediately after the close of the morning hour to call up the conference report on the currency bill. The Senator from Vermont [Mr. EDMUNDS] expressed a wish to look at the report, and said he would be willing to take it up at the end of an hour. I find myself quite indisposed, and yet exceedingly anxious to get the conference report out of the way. I am also expecting every moment to be called off upon another conference committee. I have no wish to say one word in reference to this report, but I trust the Senate will by unanimous consent let us dispose of it and get it out of the way. I ask therefore unanimous consent that the conference report on House bill No. 1572 be taken up. I do not want to say a word on the subject, and I hope the vote will be taken at once so that we get it out of the way.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the conference report on House bill No. 1572? The Chair hears none, and it is before the Senate.

Mr. DAVIS. Subject to call for the river and harbor bill if it shall lead to debate?

Mr. WRIGHT. Certainly.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the resolution of the Senate authorizing Spencer F. Baird, United States Commissioner of Fish and Fisheries, to have the engravings for his report executed under the direction of the Joint Committee on Public Printing. The message also announced that the House had passed the following bills:

A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States; and

A bill (S. No. 110) for the relief of the East Tennessee University.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 3477) for the relief of Nelson Tiffany;

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York;

A bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia;"

A joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.; and

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

The message further announced that the House had passed a concurrent resolution for the printing of three thousand copies of the statistical atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker.

The message also announced that the House had passed a concurrent resolution for the printing of twenty thousand copies of the Report of the Commissioner of Education; a concurrent resolution for the printing of six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation Routes to the Sea-board; and a concurrent resolution for the printing of the report of R. W. Raymond on mining statistics, with the accompanying engravings; in which the concurrence of the Senate was requested.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 176) to encourage the establishment of public marine schools;



A bill (S. No. 311) for the relief of Joseph Montanari;  
 A bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell;  
 A bill (H. R. No. 526) for the relief of James De Long;  
 A bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;  
 A bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;  
 A bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;  
 A bill (H. R. No. 2292) for the relief of William Walker;  
 A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds;  
 A bill (H. R. No. 2898) for the relief of J. & W. R. Wing, of New Bedford, Massachusetts;  
 A bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army;  
 A bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moiety laws; and  
 A bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 228) for the relief of Bigler, Young & Co.; and  
 An act (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

## THE CURRENCY—BANKING.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The conference report on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, is before the Senate.

Mr. FLANAGAN. If no other Senator is disposed to present any opposition to this measure it is very unnecessary for me to do so; but my opinion is, candidly, with all deference to my friend from Iowa and the committee, that it would have been better for this report to have slept for all time to come. It begins in nothing as I conceive, and ends most beautifully likewise. If there is beginning or end to it I have not been able to find it. I suppose this is the action of the Congress of the United States after having been six months earnestly and closely engaged in endeavoring to do something toward the resumption of specie payments, a subject that at last has been studiously, ingeniously, and well avoided, for it is ignored in every sense of the word. If that is what this nation wants on the subject of finance, it is peculiarly successful under this report. It is merely in my opinion the first direct step to repudiation. It is nothing else; surely it is nothing more, for in it the idea of a specie resumption at any day, either direct or remote, is not alluded to, if I recollect the reading correctly.

Now, sir, I think much better would it have been if this matter were permitted to pass quietly, no action being taken by Congress, but admitting to the world frankly and without equivocation that the Congress of the United States were not able to grapple with the great subject, for most assuredly, as I have remarked, this is an unqualified failure. It does nothing one way or the other, as I conceive, except to try to satisfy to some extent particular States who claim they have not been fairly dealt by in the distribution of facilities for organizing national banks.

Under this bill I have no hesitancy in saying here that \$20,000,000 in the next current year will not be removed from the North for banking purposes West. I have no objection, so far as I am concerned, that every dollar of it shall be removed; but there will be no demand for it, as I conceive, to the amount contemplated here. I interpose no objection whatever; but that is the only boon that I can perceive will be realized, if that should be, and I have no idea that it will be. Time will certainly demonstrate who is correct on that branch of the subject.

But instead of meeting this great question as it deserves to be met, everything tending to a resumption of specie payments is directly ignored for the present. So regarding it, and looking at the action upon this subject for months past, and invoking the history, if you please, not only of this nation from its earliest day to the present hour, but the history of the world, I am justified in holding that we shall get further and further from resumption. Certainly it is not contemplated in this report, and I for one regret that the report has ever found its way to Congress.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. FLANAGAN. I ask for the yeas and nays on this document.

The yeas and nays were ordered.

Mr. EDMUNDS. This report, as far as it provides for the redistribution of banking facilities, I am entirely satisfied with, as we have often voted in the Senate and have said over and over again. The chief objection that I have to the report is that it abolishes the re-

serve that the banks have hitherto been obliged to keep. Inasmuch as in my brief experience I never knew a bank that could honestly keep itself above water without keeping a reserve to meet the demands in panics and sudden runs upon it, I think the provision in this report which provides for abolishing all reserves is a very dangerous and improper one. You may say that all prudent bankers will keep reserves. So they will; but all prudent bankers, like prudent Senators, are sometimes tempted by persuasion to do things which if they were left entirely to themselves they would not do. And then there is another class of banks probably in this country, those who may be classed as not prudent bankers, those in respect to whom (as you have as to all banks, speaking largely) you must provide limitations and restraints by law. I think this the first time in the history of legislation respecting banks in any well-ordered community, as the United States is, where under any system of banking like this or any other that we have had, that it was proposed by law to provide in terms that no bank shall be obliged to keep a reserve to meet sudden runs upon it. Now to keep 15 per cent. of the deposits, for that is what I believe the country banks have to keep, merely to stand a run on deposits, is in a panic nothing at all; your 15 per cent. of deposits would be run out before the first half of the first day if a run on a bank took place.

I think that we shall make a great mistake when we authorize the banks of the United States to loan all the money that they have of capital paid in and of deposits made, excepting the 15 per cent. of the deposits which is to be reserved for the purpose of paying deposits. So far as the presentation of bills for redemption is concerned, as distinguished by a run by depositors, there probably is not any very great danger, because the bonds of the United States, with a reasonable credit to the Government, are sufficient for that, although the bill-holders would be embarrassed if half the banks of the United States should refuse to pay all at once. It would force bonds of the United States upon the market to such an extent that it is altogether doubtful whether the security would be good even then.

But, passing that, it does appear to me (and I should be glad to have my honorable friend from Iowa explain because he may convince me that he is right) that it is most unsound in principle and most dangerous in practice for the future to authorize these institutions, which we hold out to the people as existing under Government authority and entitled to credit, to loan all the resources that they have of every description down to 15 per cent. of their deposits, because I fear it will turn out, as I think human experience has shown it has generally turned out, that wherever a stress comes and people run for their deposits, as they always do in a panic, half the banks in the country will break for the reason that the law has allowed them to strip themselves under the pressure for discounts of all their means to meet a run. I do not see that it is a sufficient answer to that to say that prudent banking would not be conducted upon such a principle, that prudent bankers would not loan all the money they had down to 15 per cent. of their deposits.

Of course, in a prosperous state of the country, with a flowing tide, and with no breakdown, no panic, no sudden emergency which disturbs the operations of trade and commerce, it is of no consequence. So we may say that no limitation is of any consequence when the millennium comes; but we know, if the world goes on as it has gone, that there will be once in twenty years at the furthest a time when, from natural causes, not affected by legislation, not remediable by legislation, there will be a sudden depression of enterprise, of trade, of commerce, of industry, of all the business operations of the country; there will be a panic, in short, or a crisis, or a bankruptcy, call it what you will according to degree, and then there will be a sudden demand coming with the rapidity of a summer shower or a gust that will require from every bank in the country the withdrawal of the deposits that have been made in it; and then this bank instead of being fortified as it is now by holding this percentage of all its resources, will have only, if it holds up to that, the 15 per cent. of its deposits; and the result will be, as anybody can see, that on every such occasion one-half of the banks at least in the country will go to protest on the first day. Of course nobody will maintain that that would be an advantage to the business of the country. Nobody will maintain that a bank ought to be allowed to lend money to such an extent that it cannot stand a run when some sudden pressure shall be brought to bear at a time when people, to meet their engagements, need the money which they have on deposit and which has been loaned out to somebody for other speculations. Sound banking cannot go on in that way; and therefore it is that it appears to me that we ought to consider at least the grounds upon which this report stands in the respect to which I have alluded.

I do not know, after all we have done, that I can have any expectation that this report will not be adopted. Of course it presents entirely different questions from those which we have considered hitherto. They are not questions which affect one section of the country more than another, as anybody may suppose; but there is now presented, separate from other questions that have so divided us, this simple question of business as it respects the safety of a principle of banking carried on under the authority of the Government. If there is any explanation which my honorable friend from Iowa can make to us, as it may be there is—he is a much greater financier than I am in proportion to our respective capitals—then I should be glad to hear it. But it does appear to me, as I have said, that we shall make a

great mistake for the protection of the business interests of this country and of the people who deposit their little savings and earnings in banks, if we allow a bank to loan out all of its capital, and all of its deposits save 15 per cent. of its deposits, (if that is the amount as to the country banks,) and thus put ourselves in an attitude where in a pressure the banks cannot pay back again to the depositors at once the money they have received. I should be very glad indeed to hear my friend from Iowa explain the grounds of this report.

Mr. WRIGHT. I have but one word to say in that connection. The section in the report as it stands is precisely as it passed the House and passed the Senate, and has been agreed to by both Houses.

Mr. EDMUNDS. But has not been brought under discussion.

Mr. WRIGHT. There never has been any question raised on this part of the bill before. It seemed to be agreed to on all hands to this day to be a proper provision to release the reserve on circulation and retain the reserve on deposits. The reason for it was that so far as the security of the bill-holders was concerned there was ample security in the bonds here deposited, and that in case of a panic the reserve that is provided for circulation would amount to nothing in the world; and not only so but every good banker, every safe banker, would provide for his reserve judiciously without any provision of this kind. Therefore it was agreed on all hands that it was best to leave out the reserve on circulation. That point was discussed more than once here in the Senate and the whole ground gone over.

I do not propose to go into the matter at all. I am only anxious to have a vote and let the Senate dispose of this bill and get it out of the way.

Mr. SHERMAN. If the yeas and nays had not been called for, I should not have said one word on this question; nor do I intend to say anything except to reply to one or two observations of the Senator from Vermont. As to the last three sections of this bill, as I understand, they are precisely similar to the bill for the redistribution of the banking circulation reported early in the session from the Committee on Finance. I do not see any variation.

Mr. WRIGHT. Except in the amount.

Mr. SHERMAN. Yes, instead of \$25,000,000 the committee of conference insert \$55,000,000. I call the attention of the Senator from Vermont and other Senators to the sixth section of this bill:

That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of \$382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

I regard this section as chiefly beneficial as forever repealing the fictitious idea of a legal reserve. There is not one word in any law of the United States which implies that any portion of the \$400,000,000 shall be held as a reserve. That is merely a mythical creation of the Treasury Department for the purpose of keeping up the notes which had been canceled.

Mr. EDMUNDS. That was not a point to which I spoke at all.

Mr. SHERMAN. I know that. This, however, will not prevent the accumulation of a necessary working balance. The Senator from Iowa understands that. The Secretary of the Treasury sometimes may have a balance of \$2,000,000, and sometimes \$20,000,000. This does not interfere with that in the slightest degree.

Mr. SARGENT. Allow me to ask a question on that point. Suppose a panic comes on, as before, when there is a Treasury balance of \$13,000,000, how would the Secretary of the Treasury in view of this law stand up against a clamor to put that money out of the Treasury which it was insisted was reserved? He would be asked, "Why are you holding it?" They would insist it should go out either for the purchase of bonds or in other methods. It is made unlawful for him to hold it, so when it is proper to hold it to guard the Treasury, the Treasury would soon be out of funds, as it would have been during the last panic under any such provision.

Mr. SHERMAN. As a matter of course if the Secretary of the Treasury has \$15,000,000, or whatever may be a necessary working balance, he will be governed in paying out that money according to the exigencies of the Treasury Department and not according to the clamor of speculators if he performs his duty as this bill contemplates that he shall. I simply wished to call the attention of the Senate to the fact that although the maximum is fixed at \$382,000,000, in this currency bill there is no provision allowing additional United States notes.

Mr. SARGENT. Will the Senator show me any language in this or any other law that allows him to accumulate a working balance, if this provision stands that there shall be no reserve?

Mr. SHERMAN. It says that "no part thereof shall be held as reserve." "Reserve" is a technical name of an amount of money applied for a specific purpose, but a working balance is an amount of money useful for all purposes. That is the difference. "Reserve" is a technical name which was applied first to the \$50,000,000 reserved under the law of 1864, and afterward to the mythical reserve created by the Treasury Department as a matter of book-keeping.

Now in regard to the second and third sections—and here I want the attention of the Senator from Vermont—it is true that the second section does abolish the reserve on circulation, and there never was any reason for that reserve originally because the security of the bonds was more than sufficient to secure the redemption of the notes; and it has been recommended by the Secretary of the Treasury at different times, according to my recollection, and at any rate there

has been a general demand that the reserve on circulation should be abolished. The committee of conference have in the third section provided a fixed, operative, and strong mode of redeeming national-bank notes. Any holder of national-bank bills may present them at any time at the Treasury and demand United States notes. The provisions of the third section are amply sufficient, in my judgment, to provide for the redemption of the national-bank notes. There can be no question of it. And in my judgment—I record it here rather as a prophecy for the future than as an argument to the Senate—this 5 per cent. reserve will be more difficult to be maintained by the banks than the mere loss of the 15 per cent. reserve, three-fifths of which could be deposited in New York, and only two-fifths of which was required to be retained in the bank. In the third section there is a provision made by which the banks will be compelled to keep themselves strong enough in order not only to maintain the 5 per cent. in the Treasury, but in order to respond at all times to the demand of the Treasury for money to maintain this reserve of 5 per cent.

There is nothing in this bill that has not received the sanction of both Houses, taken separately. There is nothing in this bill to which I think any Senator ought to object, and I was in hopes that every Senator would vote for this report without objection. The question of the increase of paper money, either in the form of greenbacks or bank-notes, is postponed. The question of the resumption of specie payments is postponed. There is no time fixed and no provision here made for the resumption of specie payments. All that this bill does is to modify slightly the reserve of the national banks, to make a practical provision for the redemption of bank-notes, and to provide for a redistribution of bank circulation. Every one of these objects, it seems to me, ought to meet the concurrence of the Senate by a unanimous vote, and I was in hopes the report would pass without a division.

Mr. SARGENT. I think this bill is very much better than any other one that we have had up heretofore with a prospect of passage. Nevertheless it seems to me that there are some infelicities in the bill which it is to be regretted are not eliminated from it and that there is now no opportunity to do so.

I certainly cannot vote for the bill with my understanding of the sixth section. There is, as the Senator from Ohio remarked, no law defining what a reserve is, so that the word "reserve" may just as well be applied to a working balance as to an amount in dispute between the Treasury Department and the Congress of the United States as to the sum which shall be outstanding of United States notes.

Mr. SHERMAN. If I stated that there was no law defining the meaning of "reserve," I stated it too strongly. There is one definition, the only definition on the statute-book of a reserve of United States notes, and that is the reserve defined by the act of 1864, which provides that in excess of the four hundred millions there may be a reserve of fifty millions which shall be used only for the purpose of paying the floating indebtedness or accruing indebtedness, and shall be used for no other purpose, and shall be retired and canceled when the debt for which it is reserved is discharged.

Mr. SARGENT. The Senator is entirely correct in reference to that, but that relates to a past age, a past condition of things. There is now no amount of \$400,000,000 of United States notes and no \$50,000,000 beyond that authorized by any existing law; so that there is now no law on the statute-book, as the Senator remarked before, and certainly remarked accurately, defining what is meant by a reserve; and the only thing this section can take hold of in the way of reserve is the working balance which it may be desirable to retain in the Treasury for the very purpose of meeting floating indebtedness.

The object of making this appear in each monthly statement of the public debt is to see that the Treasury is kept bare, that the \$382,000,000 of money are kept out and do not come in there to be held as a reserve or a working balance; and under that condition of things the Treasury is liable to go to protest any day in the year, and most especially is the Secretary of the Treasury liable to solicitation, to pressure, to complaint, to clamor, which it is difficult for any man to resist in the time of a panic when there are representations made to him and to the President of the United States pressing upon them that an emission of a few more millions of money will tide the country over bankruptcy, will prevent disastrous consequences, and then he is pointed to a law which expressly declares that no part of the \$382,000,000 shall be kept or used as reserve; and the interpretation is insisted upon, and is a reasonable interpretation, that that means that he shall not reserve any portion of that amount in the Treasury for any purpose whatever. He would be required under this law by a reasonable interpretation of it to pay it out, and then the Treasury goes to protest, and the Treasury itself would have been bankrupt during the last panic provided a law like this had been upon the statute-book.

For that reason and others which I might name, I cannot assent to the report, and I desire, when the yeas and nays are called, to record my vote in the negative.

Mr. STEVENSON. I desire to say a single word. The committee of conference have been called upon to consider and act upon the difficult problem of reporting some *projet* upon the currency which should heartily receive the concurrence of both Houses of Congress. To insure success for any recommendation it was necessary at the outset that the conferees should in their action endeavor to agree on some plan of adjustment which would reconcile the variant views and diverse expressions of opinion which had found vent in the long dis-



cussion of our finances going through so many months of the present session.

The report upon your table is the result of the labors of that conference. I have hitherto taken no part in this financial debate, and should not now do so, but that I was on the conference committee. No one will pretend that the report contains all that Senators upon either side might desire. A conference from its nature implies concession and compromise of opinion between the two Houses. This report seeks that object. It recommends in the main two simple propositions, each of which separately have hitherto received a large majority of this body. Mr. President, I have myself been neither for contraction nor expansion. I preferred to stand still. I have strongly desired to see at the earliest possible moment at which the condition of the country would allow it without injury to its interest and without pecuniary distress a resumption of specie payments. I have been, however, unwilling to take any step which should inflate the currency beyond the point of legalizing the twenty-six millions of greenbacks issued by the Secretary of the Treasury, and reducing tax upon the circulation of the State banks to the standard of taxation imposed upon national banks. I desired neither to add to the volume of irredeemable national currency, nor to contract it by fixing any short day for specie payments. I have always desired a just distribution of the circulation according to wealth and population from the East, which has more than its quota, to the South and West.

I have been reared, Mr. President, in a political school whose founders denied that Congress possessed any constitutional authority to charter national banks. They warned us that the creation by Congress of large, irresponsible moneyed corporations might endanger the liberties of the country. Their political faith was that gold and silver constituted the only true standard of value and was the only currency known to and contemplated by the Constitution of the United States. While it is true that eminent statesmen differed on the question of constitutional power to charter a bank, all of them, from Alexander Hamilton to Andrew Jackson, including Daniel Webster himself, believed and argued that Congress possessed no power to substitute paper or anything else for coin as a tender in payment of debts and in discharge of contracts. Had this orthodox faith of the fathers been adhered to, what financial distress and loss of property would have been spared from panics inaugurated by a fluctuating, deranged, depreciated currency; what an amount of debt would have been spared the country!

Our present national-bank system sprung from and was the direct outgrowth of the late rebellion. Its founder acknowledged it as a war measure, not sanctioned in peace by the Constitution. Congress has solemnly pledged itself to use all means and take all necessary steps for a prompt redemption of this paper currency. Nine years have passed away since the cessation of hostilities, abundant harvests have blessed the labors of our people, and yet Congress is urged at this session to increase the volume of greenbacks and national-bank currency without providing means for its redemption in coin.

I felt constrained to resist this proposed inflation. I was at all times ready to legalize to the amount of twenty-six millions of greenbacks illegally put into circulation by the late Secretary of the Treasury and keep them in circulation. I favored a redistribution of the circulation of greenbacks upon the basis of wealth and population and desired a transfer of fifty or sixty millions from the East to the South and West. I desired a reduction of the tax upon the circulation of State banks from its present unjust standard to that imposed upon the national banks. I could not and will not cast a vote to inflate the currency of national banks, nor could I vote for free banking except on a basis of redemption in gold and silver. I have been compelled to differ in my votes on this question from many of my friends in the South and West with whom I am accustomed to act. We have been led to different lines of action from a conviction of duty.

I have been severely criticised for my course. I pass it by. Every public man is subject to criticism. I have been charged with open misrepresentation of my constituency in my votes on the currency question. I have received no such expression of the popular sentiment in Kentucky as enables me to say whether my constituency approve or disapprove my course in resisting inflation. I am proud to say I have received neither in the democratic press of my State nor by private letters any proof of such popular disapprobation.

I have in every vote which I have given on this currency question followed old democratic landmarks illustrated by Jefferson and Jackson in their adherence to a sound, fixed standard of value. While I have not sought to hasten a speedy resumption of specie payments or given any vote looking to such an immediate result because I did not wish to produce sudden contraction, I have, upon the other hand, sought steadily to prevent an inflation of the currency in irredeemable paper or free banking on a paper basis, but preferred quietly to hold to our present position, which I trust will lead to specie resumption during the next three or four years.

Mr. President, the people of Kentucky have a large experience on the subject of a depreciated paper currency. They are not easily persuaded that one paper depreciated dollar can be converted into two dollars by cutting it into two parts. Their native sense tells them that the value of a currency is to be measured by its purchasing capacity on a standard of gold and silver. They will not be deceived. They know that the laboring masses have the deepest interest in a sound, stable currency convertible into specie.

Whatever it costs to convert the depreciated paper money received by the producer or laborer into specie is a loss to that extent upon them. The greater the excess of our paper circulation above the business wants of the country the greater the depreciation of our paper currency below a specie standard. It is this excess which I desire to avoid. The only test of an excess of circulation is to be found in the fact that our greenbacks or paper promises to pay twenty or one hundred dollars can only be cashed by the laborer or producer who receives at one hundred cents on the dollar at eighty-eight cents. An American dollar should buy a silver dollar in England, adding the cost of transportation, because the laborer received it here as a silver dollar. But take our greenbacks to England and (outside of the cost of transportation) they would be received by labor for its purchases there at a fraction of a little over eighty-five cents. The producer or laboring man would by practical experience learn where the loss would fall.

But besides I am opposed to any increase of the power of the national banks. Never have the warnings of Andrew Jackson against the danger of colossal moneyed corporations appeared more prophetic than at this hour. Let those who desire to avoid these dangers take care how they add to or increase the power of these national banks. If we are to inflate at all let us adhere to the greenbacks, and not entail increased taxation upon the people by increasing national-bank circulation.

But I have been inadvertently drawn from my purpose, which was simply to explain the conference report. The redistributing by a transfer of fifty-four millions from the East to the South and West when the business need of the latter shall require it, is a matter so eminently just and equitable and so often voted by Senators from every section and of opposite opinions, that there would seem to be no possible objection to that. Upon the subject of the twenty-six millions of greenbacks, the circulation of which is legalized by this report, I have already said all that is necessary.

I think the repeal requiring redemption in New York will be found to work well in practice. So long as the banks were required to redeem in New York they were compelled to keep a certain portion of their circulation there. During the panic of last September I am quite sure that some of the strongest banks in Cincinnati and Covington were unable to get any of their circulation deposited with the banks in New York for redemption, but had to go through upon mere certificates of the New York banks.

The conference report sought to embody only these propositions as a whole which in the protracted discussions of the past few months seemed in the Senate to have been generally concurred in.

The report is not subject to the criticism that if it be adopted the Secretary of the Treasury must keep out the whole of the three hundred and eighty-two millions. There is nothing in this objection which deprives the Secretary of the Treasury of keeping always that safe working balance which prudence and experience will ever suggest and demand. And the words of the amendment, that no part of the three hundred and eighty-two millions shall be regarded as a reserve, are not opposed to or inconsistent with that working balance. As the Senator from Ohio [Mr. SHERMAN] justly said, the word "reserve" is a technical term in the banking act, and does not and cannot by any just construction apply as a restriction upon any safe working balance which every Secretary of the Treasury always and necessarily must keep on hand.

Mr. President, while I am opposed to inflation, in every vote I have given I have sought to avoid the evils of a suddenly diminished circulation. The committee gave up free banking because such a system demanded a gold basis, or a fixed day at short date for resumption of specie payments. That might, and possibly would, have led to sudden contraction by the banks by a refusal of renewals and in a preparation for resumption.

They gave up a convertible bond at low interest because it could not command general concurrence. I hope the report will be concurred in.

Mr. THURMAN. Mr. President, in a very early part of this session I expressed the opinion that what we ought to do was to redistribute a portion of the national-bank currency. I was very much of the opinion that that was all we should do, and I am confirmed in it by the report of this committee of conference. I shall vote for agreeing to this report. I believe it is the best thing that we are likely to agree upon. In fact, if it be rejected, nothing will be effected by Congress.

Objection has been made on account of the abolition of the reserve on circulation; but I think practically this provision for keeping 5 per cent. in the Treasury and allowing notes to be presented there and redeemed in greenbacks will prove in practice more efficient than the present circulation reserve. That is my firm belief. At present there is no such thing as the redemption of bank-notes. They are not presented because you cannot assort them and go off hundreds of miles to get greenbacks for them; but under this provision, although it will impose some pretty onerous duties on the Treasury Department, there will be a practical redemption of bank-notes to a very considerable amount in greenbacks, and as those greenbacks may be made to appreciate in value and come nearer to specie, so will this redemption become more common and be of more value.

Without taking up the time of the Senate on this subject, and without certainly saying that this bill is just what I would have it to be if I had the making of the law, for it is not—and perhaps what I would wish would not suit anybody else exactly—I say that in my

judgment the bill which is now reported contains but little or no evil and may be productive of considerable good; and as it is the last chance we have of agreeing upon anything I have come to the conclusion that I can and ought to sustain the report.

Mr. MORTON. Mr. President, I shall vote for this report as being the best thing we can get at this session, and the only thing; but I do not support it as the full or complete measure of justice or as at all meeting the public demands and exigencies, and in no wise as a settlement of the question which is before the country. The question is to whether the monopoly feature of the national banking system shall be abolished, as to whether the legal-tender act shall be repealed, and all questions coming in that purview are left to the future. I vote for it as a matter of imperfect and very tardy justice. As a measure of distribution it comes just twenty-five millions short of the amount required for a full redistribution, as shown by the report of the Comptroller of the Currency. Any measure of distribution ought to be a full one, and there is no good reason why this should not have been a full one.

But, Mr. President, there are some good features about this bill aside from the question of doing justice to States that have been shorn of their proper proportion of banking facilities under the original basis for the distribution of that currency. The best feature about this bill is the one that was criticised by the Senator from Vermont, that it abolishes the reserve on circulation. That is a cast-iron reserve, the banks being required by law to keep it at all times without regard to demand, without regard to panic or anything else.

Mr. EDMUNDS. Does the Senator mean to say that that is the present law; that they are bound to keep this reserve at all times?

Mr. MORTON. They are bound to keep a reserve on circulation equal to a certain amount, and if it is ever diminished they have got to make that up.

Mr. EDMUNDS. O, yes; that is another thing.

Mr. MORTON. I do not say that they would have to keep it up in advance. I mean that when they pay it out they have got to make it up under the law immediately.

Mr. EDMUNDS. Precisely. That is another thing. The Senator stated that they were bound to keep it at all times and against all demands. I thought that the present law was that they were bound to keep it and not loan it, to have it ready to meet demands on them for their circulation or for their deposits, and when it gets below they are bound to make it up again.

Mr. MORTON. I stated what I meant by it, and I do not think my friend misunderstands me. I stated that this was to be kept as a cast-iron reserve without regard to panic and without regard to deposits, a reserve of 15 per cent. in country banks on circulation and of 25 per cent. in the redemption cities. There never was any good reason for it. Practically the banks are not called upon to redeem, for the reason that there is but little use in redemption. Bank-notes are so good that people do not care about having them redeemed. There is no use in going to that trouble. The bank-notes are perfectly secured by the bonds deposited in the Treasury of the United States, and the people have entire confidence in the currency. It is not the case of an old-fashioned bank-note, where the people were never certain that the bank had the gold to redeem.

That law now requires the banks to keep 15 per cent. of reserve on circulation, which just to that extent diminishes their capacity to accommodate the people. Three-fifths of the reserve of country banks may be kept in the cities of redemption. What has been the practical effect of that? That while two-fifths had to be kept locked up in the vaults of the bank under the law, being 6 per cent., three-fifths or 9 per cent. the banks were compelled to send to other cities and loan there as a deposit, getting only 4 per cent. on it, while the people in their neighborhoods were deprived of the use of that money as a matter of accommodation. The people in the cities got it, and the banks used to loan it at 4 per cent. instead of being allowed to loan it as they would their other funds, at the current rate of interest. This bill corrects that evil, so that the banks may now keep the whole of this money at home to loan to the people in the neighborhood without being required to send three-fifths of it off to a distant city.

The effect of the abolition of reserve will be, as I am advised, that in busy seasons of the year, say when the crops are to be moved, it will set free and put into circulation some \$31,000,000 of legal-tender notes that the law now requires the banks to keep locked up in their vaults. It is a practical measure of relief, it is a practical measure of expansion to that extent.

So far as my own State is concerned this bill will afford to her I presume but very little relief. She may get half a million under it. I do not know what the calculation will be. She may get even less than that, because she has come up within several hundred thousand dollars of her technical proportion under the original basis of apportionment made out ten years ago. In the mean time the State has grown enormously. No State is growing faster according to her population, or developing more rapidly; and yet there were before the panic from twenty to forty localities in my State that needed banks and will need them and will be glad to have the opportunity of establishing them, if the law allows them to do so, whenever the times shall improve a little. This bill does not afford much relief to my State so far as increased banking capital is concerned. So far as Ohio is concerned I presume she will not get a dollar under this bill, and some of those States that really need banking facilities, which

are among the most progressive and growing States, will get no relief; but such States as Illinois, Missouri, Iowa, Wisconsin, Minnesota, and all the Southern States will have a large portion of the circulation allotted to them that they cannot now get. To that extent justice will be done to them and relief will be afforded to them. But so far as other States that need circulation almost or quite as badly are concerned, they will get little or none under it. So far as they are concerned, therefore, the question is simply postponed.

Now I want to say a word in regard to the question made about the Treasury reserve. One of the good features of this report is that it abolishes what is called the \$44,000,000 reserve. It destroys that idea. What was that idea? That there were \$44,000,000 in the Treasury, the difference between \$356,000,000 and \$400,000,000, that might be issued when needed, and when the pressure had passed by should be taken back into the Treasury, and if you please canceled in the Treasury or laid away as reserve, and not as a part of the working balance. That is entirely separate and distinct from the idea of a working balance. When the panic began the Treasury had a working balance of about \$13,000,000 that was wholly distinct from the reserve, and the Government did employ, I believe, the entire working balance in the purchase of bonds, commencing about the 20th of September, and the working balance was expended in that way. But afterward, when the revenues ran short, the reserve was brought out, not as a part of the working balance, but as a reserve, entirely independent of the \$26,000,000 afterward issued. The theory was entertained by the Secretary of the Treasury, and it has been lately restated in the President's veto message, that this was a balance to be preserved, kept on hand for emergencies, so that under that theory the Secretary of the Treasury could contract the currency in circulation, independent of the necessary working balance of ten or fifteen millions, with the first surplus revenue at his command to the amount of \$26,000,000. That is a perpetual threat hanging over the country. That power is taken away distinctly by this bill. Therefore the fear of contraction resulting from taking back into the Treasury the \$26,000,000 of the \$44,000,000 reserve has been taken away.

I shall for the reasons I have given support the bill, but not as a settlement of the great question.

Mr. BUCKINGHAM. I should like to inquire of the Senator from Ohio the effect of the third section of this bill. It provides a new way for redemption. I want to inquire what the effect of that plan of redemption will be upon the exchanges of the country.

Mr. SHERMAN. I do not think it will have any effect, except this: The first effect of it will be to bring in all the worn and mutilated bank-notes, of which it is estimated there are nearly \$100,000,000, nearly a third of the whole amount of circulation, unfit for use. We endeavored by a law of last winter to get it in, and failed because the banks did not make the requisite application. Under this third section that currency will all come in and be exchanged for new notes of the same banks. I do not think it will make any difference in the exchanges.

Mr. BUCKINGHAM. Is it not a fact to-day that there is no cost on exchanges between one section of the country and another?

Mr. SHERMAN. I do not think this will make any difference in that respect.

Mr. BUCKINGHAM. Is not that a fact to-day?

Mr. SHERMAN. That is now the fact.

Mr. BUCKINGHAM. It being a fact that there is no cost to any party in making exchange between one section of the country and another, the question arises, why is that? I think it is because you have adopted the present system of bank-note redemption in the different business centers of the country, and they all settle in the centers of commercial business.

Mr. SHERMAN. I fear I misunderstood the question. The Senator asked if there was no difference in the rate of exchange now. There is not on bank bills, but there is on money certainly. Exchange on Saint Louis and Cincinnati and Cleveland is at a little premium. I thought the Senator confined his question to bank-notes.

Mr. BUCKINGHAM. It is a fact that there may be at times a difference in the cost of exchange between New Orleans and New York and other sections of the country.

Mr. SHERMAN. It is so between New York and every city almost.

Mr. ALCORN. It is very rare indeed to find exchange at par in any portion of the country. It is nearly always either at a premium or a discount.

Mr. BUCKINGHAM. I understand that; but at the same time I understand that bank-notes are of equal value in all parts of the country. Let me put this question, then, to the Senator from Ohio: if you adopt this system of redemption will bank-notes be of equal value in all sections of the country?

Mr. SHERMAN. Certainly. Bank-notes in every portion of the country can be sent to Washington and here be redeemed. As a matter of course, as every bank is bound to receive the notes of every other bank, there can be no difference in that respect. It may be possible that if bank-notes should accumulate in New York or any other place largely, they would be sent to Washington for redemption in greenbacks.

Mr. BUCKINGHAM. Will not then a bank-note in Saint Louis or Cincinnati be worth as much less than par as it would cost to transport it from Saint Louis or Cincinnati to the Treasury?



Mr. SHERMAN. I think it is so now. Sometimes greenbacks are at a premium over bank-notes because of the difficulty of redemption.

Mr. BUCKINGHAM. Not on that amount, I believe.

Mr. SHERMAN. It is because it is practically impossible to assort the notes of the various banks and present them to the proper bank for redemption.

Mr. BUCKINGHAM. My own idea of this section is that if it becomes a law and the system of bank redemption should ever be of any value so that you could exchange a bank-note for coin, you will find a great difference in the exchanges, much to the injury of the commercial interests of the country.

Mr. MORRILL, of Vermont. I was somewhat surprised to see with what cordiality my friend, the distinguished Senator holding the place of chairman of the Committee on Finance, walks up to this report of the conference committee.

Mr. SHERMAN. There is not a word in this bill but what my friend from Vermont himself has cordially and heartily consented to report as I understand.

Mr. MORRILL, of Vermont. The Senator is mistaken.

Mr. SHERMAN. What part is there that the Senator has not agreed to?

Mr. MORRILL, of Vermont. It makes a mighty difference whether these provisions are coupled with others or not. These provisions might be accepted if they were coupled with some others looking toward specie resumption. I understand that the Senator from Ohio has from the outset called our attention over and over again to the duty, to the pledges that Congress was under of looking at the earliest practicable time for a resumption of specie payments. Now, there is not one word, syllable, or sign of specie resumption in this proposed conference bill.

Mr. SHERMAN. Because I cannot get a majority of both Houses of Congress to agree to specie resumption, shall I therefore refuse to vote for every bill on the subject of banking and currency? I ask my friend from Vermont whether he himself did not vote for this redistribution bill when we reported it early in the session, separately and by itself?

Mr. MORRILL, of Vermont. To that part of the present report I make no objection, and I should vote for it cheerfully separate and distinct or coupled with anything else to which there were no valid objections.

Mr. SHERMAN. Has the Senator not voted for and does he not agree to this mode of redeeming bank-notes in greenbacks in Washington at the Treasury?

Mr. MORRILL, of Vermont. But whenever I have voted for that it has been coupled with other provisions looking toward specie resumption. In the former bill where these provisions were inserted there was a positive provision for the redemption of the legal-tender notes to the amount of \$82,000,000. All that is now left out. But, Mr. President, I am quite aware that Senators, after having a subject of this kind long before them, having debated and discussed the matter until every one is weary of it, are oftentimes contented to accept a very crude and even distasteful bill. Like some young gentlemen who propose and get refused three or four times, they are at last quite ready to accept something far less attractive than that they sought in the first instance.

Now, Mr. President, I desire to call attention to the second section in relation to the reserves. The Senator from Ohio farthest from me [Mr. THURMAN] seems to think that this will operate so as to be as great a burden upon the banks as it would be to have the entire 15 per cent. reserve. I differ with the Senator from Ohio. There will be nothing redeemed at the Treasury Department except old, worn, and mutilated bills. That is all that will be done in the way of redemption so long as we are not to reduce the volume of legal-tenders and no steps are taken toward specie resumption. Under such circumstances, of course the entire amount of reserves save what is deposited at the Treasury of the United States will be at once let loose and thrown upon the country, and, as the Senator from Indiana has properly said, it is to that extent so much expansion. I thought that many Senators here were pledged that they would not go for anything in the way of positive expansion, and it is obvious to us all that this must result to that extent in so much direct expansion.

Mr. MORTON. I would call the Senator's attention to the fact that the 5 per cent. in the Treasury is not a part of the reserve on circulation, but to be counted as part of the reserve required by law to be kept on deposits, so that the entire reserve in circulation is set free.

Mr. MORRILL, of Vermont. That is the way I understand it. But, Mr. President, there is another provision in this bill, and that is in relation to the \$382,000,000 of United States notes. That is now to be the legal amount of legal-tenders that are to be issued and kept in circulation. Here again is another large amount of positive expansion, to the extent of perhaps \$26,000,000. I understand, perhaps not by authentic information, but at the same time I have heard that a considerable number of millions of the \$26,000,000 that were outstanding have been redeemed and are now in the Treasury. This provision will require that even what has been redeemed for the last month or two shall be reissued.

Mr. WRIGHT. Will the Senator from Vermont allow me to ask him one question?

Mr. MORRILL, of Vermont. Certainly.

Mr. WRIGHT. I will preface it by stating that I understand that

the \$26,000,000 at one time was issued, and therefore the maximum volume outstanding was \$382,000,000 at one time. The amount over \$356,000,000 was issued either legally or illegally. If it was illegal, then it was improperly out; but it was issued under a claimed power of the Secretary of the Treasury to issue it. That being so, and the Department putting that construction upon the statute, is it not better that we settle this thing one way or the other and say what shall be the legal volume of outstanding legal-tenders? That is all it is proposed to do in this section, to settle the question so that the Treasury cannot legally, according to the Senator's theory, issue more of this money. It has been outstanding; it is outstanding yet, as far as I know; and we merely say that that shall be the volume.

Mr. MORRILL, of Vermont. It is of course better to settle the question, but it is far better that it should be settled right. I never had a doubt but what that was issued improperly, to say the least.

Mr. THURMAN. Will my friend allow me to make a suggestion?

Mr. MORRILL, of Vermont. Certainly.

Mr. THURMAN. The Senator, if I apprehend his remarks aright, says that this bill would liberate some of the greenbacks that are now in the Treasury, some of the \$26,000,000 that were issued last fall, and that have now found their way back to the Treasury. Pray how can they get out of the Treasury unless there is some debt to pay; and if you do not pay debts with these greenbacks, what do you pay the debts in?

Mr. MORRILL, of Vermont. They could get out of the Treasury in various ways besides paying for our current expenses. They could be set apart as a portion of the sinking fund.

Mr. President, there is a confession on the part of the Senator from Indiana that entirely justifies me in voting against this conference report. He has announced that it is not a settlement of any of the questions here except as to the matter of justice in the redistribution of the banking circulation held by States now having an excess. Under these circumstances, as this proposition takes no step toward specie resumption but seems to banish it entirely for the present and for the future, and instead largely provides for inflation, I feel that I cannot vote for the bill.

There is one thing more in relation to the last section. It seems to me that this provision for a redistribution of \$55,000,000 ought to have had some limitation; that this threat over the banks of the North and the East should not be held as a perpetual terror over them; that if the States deficient in banking capital should not call for it say within two or three years, that after that time they should be required to forever hold their peace. I am quite willing to give the States that are deficient an opportunity to take any amount of banking capital that they desire, rather than to flood the country with irredeemable paper; but I do think that it is unfair to hold this measure impending forever over these banks in the North and East because they cannot properly do business and risk the withdrawal of their circulation at any moment. They cannot safely discount the same class of paper; they must only discount paper on call; and under such circumstances it seems to me that it is very unfair not to fix some time when this provision shall expire.

I do not desire to discuss the question at length. We have had a sufficient amount of discussion upon it heretofore, and but for the provisions in the bill which provide for at least fifty or sixty million dollars of actual expansion, I should most certainly have voted for it.

Mr. EDMUNDS. Mr. President, the Senator from Indiana is quite right, as he generally is, when he says that this is to be taken, not as a finality, not as what the country requires, but as a mere temporary expedient, if I did not misunderstand him. Of course, those who are to vote for this bill do not expect that the subject of paying the debts of this country, as it was promised they should be paid, is going to be put forever out of view by the passage of this measure which has not anything to do with it. I suppose the Senator means something more; that is, he means that those people like himself who are in favor of having more promises to pay before we redeem those that we have already put out, are not to regard this as a finality. So be it, Mr. President. That question ought to be in order at all times until it is finally settled. But I can do him the justice and the committee the justice to say that I do not think this particular report touches that question either way. It has been found that Congress could not harmonize its views in respect to the other question, and that it can, as is supposed, on this precise one of banking alone.

The Senator has said that as this is a bill only for redistribution, it is an act of tardy justice to States that were shorn—that was his language—of their just proportion of banking facilities. What were the shears that clipped that wool? Was not there freedom in Indiana when the act of 1864 was passed? What prevented the people of Indiana from having their share? Were they excluded by military power? Were they excluded by any illegal action of the Secretary of the Treasury, or by any undue haste on the part of anybody? Not at all. They were not shorn, Mr. President. They had offered to them an opportunity to engage in the business of banking by furnishing capital to assist in carrying on the war. They did not furnish the capital to assist in carrying on the war in that way because they did not choose to do so. They did everything they thought patriotism required to assist in carrying on the war and they did it nobly and bravely and well; but it did not appear to them that it was for the interest of capital in the State of Indiana to engage in that particular business. It was otherwise occupied, more profitably to them. Therefore I must respectfully dissent from the judgment of the Sen-

ator from Indiana that the people of his State or of any other State were shorn of any part of this circulation. As I live in a wool-growing State, according to our notions of shearing it is taking a fleece off an animal that already has it; and therefore I do not think the Senator is right in the imputation, because it amounts to that, of robbery, shearing, that there have been circulations denied to the people of his State and the West by the people of the East or anywhere else. It is incorrect. Perhaps it was only a flourish of speech, and designed only to say that the people of the West did not obtain the amount of banking facilities which they were then entitled to and might have had had they chosen, and which they are now, as it is supposed, ready to take. If that is what the Senator means, very well; but if he means the people of Indiana or of any other State to believe that the people of the Eastern States have been shearing their brothers in the West of either circulation or rights, then I beg the Senator from Indiana to believe that I totally disagree with him; that the law and the history of these transactions is the other way. That, to be sure, does not touch the question much of what we are willing to do and what ought to be done now. I only refer to it to repel what might be implied from the phrase which the Senator from Indiana chose to adopt in describing what it appeared to him had been the state of affairs.

Mr. President, the question recurs, not whether the West shall now be entitled to take its proportion of banking circulation if it has the capital that it chooses to employ in it, because everybody agrees to that, not that they have an innate right to do now what they declined to do then, but so far as my constituents are concerned, out of good will and good feeling, we are ready to give up the full proportion that our friends in the West may want to make the thing even now, although we are far from seeing it as the Senator seems to do, that we committed any wrong on our friends in Indiana or elsewhere in taking banking circulation at the time and in the way we did. But that has gone by. The question to which I adverted was, and upon which solely as it respects this subject I vote against this conference report is, that it violates the fundamental principle upon which the national banking act of 1864 was founded—the fundamental banking principle I mean—which was to furnish what is called a sound system of banking to the people of this country.

The Senator from Indiana says that we get rid on this question of the reserves of the banks, of a cast-iron reservation or rule which had no elasticity, and therefore had no value to accommodate itself to the circumstances and the pressures of occasion as it should arise. Is the Senator right about that? Is he right in saying that this money so held in reserve could not be paid out? The Senator is not right; he is wrong. It could not be paid out upon loans, but it could be paid out either to meet demands for redemption of circulation, or, what is more to the purpose so long as the credit of the Government is good, to meet demands by daily depositors, so that the mechanic who in a panic wishes to draw his funds from a bank where he has deposited them for safe-keeping might be able to go to that bank with some probability that the law had directed the bank to keep itself in such a condition that it could meet the demand he was to make upon it.

Now, Mr. President, in order that there may be no misunderstanding about this subject, I ask the Secretary to read the first part of the thirty-first section of the national banking act.

The Chief Clerk read as follows:

SEC. 31. *And be it further enacted*, That every association in the cities hereinafter named shall at all times have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least 15 per cent. of the aggregate amount of its notes in circulation, and of its deposits. And whenever the lawful money of any association in any of the cities hereinafter named shall be below the amount of 25 per cent. of its circulation and deposits, and whenever the lawful money of any other association shall be below 15 per cent. of its circulation and deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits, until the required proportion between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States shall be restored.

Mr. EDMUNDS. The Senator from Indiana will see and the Senate will see that the very object, the literal object of this provision in the bank act of 1864, which then met the approval of everybody as being one of the cardinal securities of this banking system, was that this percentage of reserve should be held available for the purposes of meeting demands upon the deposits in the bank and upon its circulation, and that the bank was not forbidden to pay it out for these purposes. It was only forbidden to make loans and discounts when the amount of its lawful money should have gone down to that minimum, and was required to continue to pay it out to depositors and to people holding its bills until the last dollar of it should be gone; and yet the Senator says that this is a cast-iron regulation that really locks up that amount of money and keeps it there so that the community cannot have benefit from it! I am amazed at the statement of the Senator. I am sure he must have forgotten how carefully the thirty-first section of this act of 1864 provided for a reserve of this money to meet the demands made from day to day upon it by its depositors and bill-holders when a pressure in the state of affairs of the country should require the people who had deposited money to get their money out in order that it might be paid upon their debts.

Mr. MORTON. Will the Senator allow me a word?

Mr. EDMUNDS. With pleasure.

Mr. MORTON. The section quoted by the Senator exactly carried

out the idea as I expressed it. If the reserve on the circulation is impaired by drafts upon it for redemption, it must be made good. If the reserve on deposits is impaired, that is to be made good; but as the reserve on circulation has never been impaired, and is not likely to be impaired by drafts upon it for redemption, therefore it has been in contemplation of law a permanent reserve. That is what it is now. It carries out my idea, I think, precisely.

Mr. EDMUNDS. I am very sorry that the Senator does not understand this section yet. I beg him to be kind enough to take the statute and to run his eye over it. He will then see that the statute does not make a reserve for circulation and another reserve for deposits; it is one single reserve. I wish to have the Senator hear me, because I know if I can convince him, then I shall have convinced all, and that when I conquer Cæsar I shall have captured Rome. Therefore, I hope I shall be excused for asking the Senator to give me the honor of his attention for a single moment in reply to his own question and his own observation.

Now, I beg the Senator to look at the statute and he will see that there is not one reserve for circulation and another for deposits. There is one single reserve, a totality, an entire sum of 15 per cent., made up of two elements. Fifteen per cent. of the circulation, supposing that to be \$100,000, and 15 per cent. of the deposits, supposing them to be \$100,000, is a reserve of \$30,000. That sum of money—not 15 per cent. to answer circulation and 15 per cent. to answer deposits, but that total sum of money equal to 15 per cent. both of circulation and deposits, is to be held against all loans and subject to the demand of the depositors or to the demand of the bill-holders, as the case may be. Now suppose, as the Senator says, the bill-holder does not come at all—

Mr. MORTON. If the Senator will allow me—

Mr. EDMUNDS. My friend will pardon me until I answer this question first. What then? Then there are \$30,000 in bank which the bank is authorized and directed to hold to answer deposits, and the bank would be bound to pay out every dollar of the \$30,000 on the demand of its depositors, and could not loan a cent of it whenever the time came when the depositors came and demanded the money; and if there was no demand from the bill-holder, so much the better for the depositor.

Now I will hear the Senator from Indiana.

Mr. MORTON. I was going to suggest that the Senator's rule holds out the same idea. It requires under the law a reserve in the Treasury of 15 per cent. for circulation, and as long as the bank circulation is outstanding the bank is required under the law to keep that amount of reserve on circulation, and if it is found to be impaired it is to be made good under the section which my friend read. Now, what difference does it make?

Mr. EDMUNDS. Let me ask the Senator a question, and then he can tell me the difference, or tell the Senate. Suppose a bank has \$30,000 of reserve and \$100,000 of deposits. There is no demand by the bill-holder at all. A panic occurs. The depositors run in and draw their money from hour to hour until the bank has got down to \$15,000. Is it lawful for the directors and the president of the bank to say to the depositors "We cannot pay you any more; this other \$15,000 we have got left is for the bill-holder?"

Mr. MORTON. No, sir; it is not lawful, because they are bound to pay all their debts, and have no right to repudiate as to any part of them.

Mr. EDMUNDS. So they are; and therefore if it is not lawful for them to hold on to that \$15,000, it is their duty to pay it out. If they do pay it out the depositor gets it and applies it to his debt. That is precisely as I understand it in the East—I do not know how it is in the West—what a bank is instituted for, for the purpose of paying back the money to the depositors when they call for it.

Mr. MORTON. Let me ask my friend, is the liability of the bank confined to the extent of the reserve, so that when the reserve is exhausted it need not pay any longer?

Mr. EDMUNDS. Not at all.

Mr. MORTON. That answers the whole question.

Mr. EDMUNDS. It may answer it to the comprehension of the Senator; that is his affair; but whether it will answer it to the comprehension of honest and intelligent men is another question. The bank is bound to pay everybody; no one disputes that. The Senator mistakes the means for the end. We are on the question of means, and the question is whether we shall authorize a bank to spread all its money by loans, or whether we shall require the bank to keep some portion of it to meet those people who have loaned money to it and not to accommodate those people who wish to borrow money from it. Can the Senator see the difference between those two cases? I assume that he can. If he can, then I take it we have the case precisely where I put it to him before, that this statute is intended to preserve the public who are the depositors, so that they may have some hope to that extent in a time of pressure and panic of going to the bank and getting the little funds they had deposited; and the statute provided for both classes of the creditors of the bank, the bill-holders, and the depositors. The bonds deposited, as the Senator has said, ordinarily furnish good security for the bill-holder and he does not go for his money upon his bill. What then? Then there is just so much more money left on deposit in the bank which it is not authorized to loan; that the depositor has, if the bank is honest and pays it to him, to draw against to keep up his own credit.



That being the state of the case, this bill as reported by the conference committee turns around and says: We have been proceeding upon a false principle of banking all the time; when we have required that a bank shall hold itself strong, as we call it, by law to meet any run upon it, we have made a mistake; we will diminish by one-half, or by two-thirds, or by nine-tenths, as the amount of deposits may make it, the security that the depositor had before for the return of his money; we will authorize the bank to loan everything that is left with it, capital, deposits, and all down to 15 per cent., and that is all the sum of money that we will require the bank to keep to meet the demands upon it in the time of a run. Where is your depositor? He has not got any security by the bonds left in the Treasury. When he goes for his money the bank tells him "Congress authorized us to loan all the money you left with us except 15 per cent., and it is gone." The bill-holder turns around and says, "I have got my security; I am all right;" but the depositor, instead of having, as the law now gives him, this chance at 15 per cent. of the capital as well as of the deposits of the bank, is by this bill shorn (to borrow the expression of the Senator from Indiana and rightly apply it) of one-half of the security that the existing law has provided for him, in order that the bank may push out its loans and encourage enterprise and speculation, as it is called, until it has got nothing to meet its deposits but its bills receivable; and let me ask Senators what bills receivable are good for in a moment of panic? Of what value were the bills receivable of the banks on the 23d of September last, if that was the day, and for a month afterward?

Mr. SHERMAN. They were of as much value as the reserves on circulation, because they were deposited in New York and could not be drawn upon.

Mr. EDMUNDS. The Senator is a little mistaken there, although he does not answer the question. He says they were of as much value as the reserves. Does the Senator mean to say that the deposits in the banks of New York were not more secure than the general loans of the banks?

Mr. SHERMAN. I know that the banks in Cincinnati whose deposits were in New York could not draw their deposits until they did draw from their bills-receivable at home enough to maintain themselves, and did actually resume payment of all their depositors before New York paid a single draft.

Mr. MORTON. And it was so all over the West.

Mr. EDMUNDS. Well, I know that in Burlington the banks were able to draw their deposits from the city banks and went on with their business. There is the difference between the two places. There is no criticism to be made upon that; I do not speak of it for that purpose. I only say that in a general way—undoubtedly there are exceptions—the deposits of the country banks in the city banks during the panic were a more available resource to meet the demands of depositors than were the bills receivable of the banks scattered all over the country. Neither of them was any too good it must be admitted; and I heartily concur in that part of this report which provides that the country banks shall not keep their reserves in the city banks. I was never in favor of their doing that. If this conference committee had reported that provision and had then left the reserve of 15 per cent. on the total capital and deposits, I should have said that they had made an improvement upon that conservative hand which legislation must have upon banking corporations and associations if they mean to protect the people, and would have given us a better banking system than we have now.

But, instead of that, what the committee have gathered in one hand they have scattered like sand from the other. They have given away, in my judgment, that wholesome security for the poor people and depositors of this land, the majority of whom deposit small sums of money in country banks, taking them all together—they have given away the wholesome and conservative security designed for and indispensable to their benefit, in order that there might be loaned out for purposes of enterprise and speculation every dollar that a bank had excepting this 15 per cent. of deposits. There is the objection; and I prophesy, although I do not seek for fame on the ground of prophetic voice, that adopting this, as no doubt you will, and standing to it as perhaps you will, you will find when the next panic comes, and it certainly will come as we all know, that you have destroyed one of the chief securities that the creditors of the banks of this country had; and you will then I think regret that you have aided by this degree in inflating enterprise and speculation at the expense of enabling depositors to draw from their banks on demand the sums of money which they have entrusted to them.

That is what I fear. It may be that I am wrong. When I see the honorable Senators from Ohio and from Indiana shake their heads, so much fuller of the wisdom that comes from coin and from currency combined, I feel that there is great doubt about what I say; but when I look at the little human experience that I have had and the little human observation that I have had and the little that I know of the history of the principles of banking, I cannot help entertaining humbly for myself the opinion that by just the degree that you allow banking corporations to withdraw from their vaults the money which depositors have placed there, by that same degree you injure the security of depositors, and so by the same degree you injure the community of which they are a part.

Mr. THURMAN. Mr. President, I have heard with no little sur-

prise, and more regret, the remarks submitted by the Senators from Vermont. We have been fighting here for nearly six months, two contending parties—on the one side the inflationists, on the other side those who were opposed to inflation. Among those most steadily opposed to inflation were the two Senators from Vermont. They have told us from the first, they have said to the South and the West "There is no necessity for inflation; there is no necessity to enlarge banking facilities; we can give you all the banking facilities you want by a redistribution of the currency, and we are ready at any moment to do it;" and now when for the first time we have a bill which can pass and become a law, which does redistribute the currency, and does offer to the South and the West their fair proportion of it, the Senators from Vermont are found opposing that bill. It is true they say they are not opposed to the redistribution feature of it, but how easy it is to find something to which to take exception, and if there is an exception to be taken to every little feature that may be in this bill in order to destroy it, do those Senators believe that entire confidence will be placed by the country in their statement that they are in favor of or are willing to submit to this redistribution of the currency? We know that they are in earnest in what they say, but how will it be regarded all over the country but that it was a hollow promise, a hope held out to the ear but never intended to be fulfilled?

Now, pray, what are the objections to this bill? Certainly there are serious objections to it in my mind; it is not such a bill as I would have. But what, pray, are the features in it that are so seriously objected to by the Senator from Vermont nearest me, [Mr. EDMUNDS,] and who has taken nearly an hour to develop them here to the Senate? Why, that this bill proposes to abolish what is called the reserve upon circulation, and that, says the Senator from Vermont, will lessen the amount of the reserve for the security of depositors; and he seems to be prodigiously alarmed lest depositors in national banks shall lose their deposits. When did the national banks get so shaky? When, in the opinion of the Senator from Vermont, were they so weak-kneed that if you abolish this reserve, which was intended as a reserve upon circulation—for it is precisely so in the charter—their depositors will not be safe? Is the Senator prepared to advertise the people of the United States that the national-banking institutions of this country are so frail as that, so fragile as that?

Why, sir, in regard to this thing of a reserve to meet deposits, I tell you there are no banks in this country that can stand a run of their depositors if all the banks are run upon at the same time. In the nature of things they cannot do it, reserve or no reserve.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Yes, sir.

Mr. EDMUNDS. I ask him whether they cannot stand it better just in proportion to the amount of money they have in their vaults?

Mr. THURMAN. Your reserve will be exhausted in twenty-four hours. It does not help them a bit.

Mr. EDMUNDS. If you had double the amount it would last forty-eight hours, would it not?

Mr. THURMAN. But you do not require a reserve, and nobody talks about a reserve equal to the amount of the deposits. Look at the amount of the deposits of your national banks. They are about \$800,000,000, more than twice the amount of the national-bank notes, more than the whole paper currency of the country; and that is simply the amount of the deposits of the national banks. Now add to that the deposits in other banks, private banks, savings-banks, and all the various institutions that receive deposits, and see whether they can stand a run by their depositors. They never did and never will in the world. What did they do last fall? We know very well that they suspended. The system of certified checks we know was practical suspension.

The idea that it is necessary to keep this reserve of 15 per cent. more in order to secure the depositors has no foundation whatever. I believe there are now more deposits in private banks and savings institutions than there are in the national banks. Where is the security for them, pray? The multitude of private banks in the country that receive deposits and have hundreds of millions of deposits, where is the security for them? And yet they fail just about as seldom as national banks fail; they are found to be just about as good.

This whole system of reserve for the protection of circulation or the protection of depositors in national banks is a delusion unless it is a reserve of coin to compel the payment in specie of the notes of such institutions. There is some sense in such a reserve as that. When you compel your banks to pay their notes in specie on presentation there is some sense in requiring them to have always on hand a certain quantity of coin with which to make redemption. But so far as this question of redeeming their notes is concerned, the reserve for which is abolished by this bill, in my judgment there never was any necessity whatsoever for that reserve and there is no harm done by its abolition, except (and I think that is going to be very trifling indeed) the little inflation that may take place by that abolition—a very trifling matter indeed, less I think than the Senator from Indiana has stated to be the result of his calculations.

But I do not wish to argue this matter further. Now I say to my honorable friends from New England, there are a few of us from the West who have stood in the same ranks with you and stood there at more peril of condemnation than you have encountered, by far, for you encountered none, and we have been fortified by your promise

that there should be this redistribution of the currency. Now I say to you that if upon one pretext or another you destroy the fulfillment of that promise, then we shall have some right to complain.

Mr. EDMUNDS. I should like to ask the Senator from Ohio what he means by "one pretext or another?"

Mr. THURMAN. I know this: There never was a bill drawn on the face of this earth, not even by the Senator from Vermont himself, in which he could not find some fault. I utterly despair of there ever being a bill to which the Senator from Vermont would not find some objection, where he would feel hurt if I were to call it a pretext.

Mr. EDMUNDS. Well, Mr. President, I am not much wiser than I was before, which is saying a good deal after I hear the Senator from Ohio. The Senator seems to have warmed himself up to the notion that he has hitherto been in a false position, and that the best way to get out of it now is to accuse somebody in New England, and particularly me, of having a "pretext." I honor the judgment of the Senator. The best reason I have heard for going for this report is that one humble Senator from Vermont is guilty of making a "pretext." All hail to that wisdom of western statesmanship which conquers a reluctant Senate to go for a thing which stands before us in violation of all parliamentary law on the ground that one Senator has been starting a "pretext!" If that is not heroism for you, I do not know what is.

The Senator calls it a "pretext!" What pretext have I put forward? I asked the Secretary to read the thirty-first section of the act of 1864, which said a certain definite thing should be done. Was that the "pretext?" I suppose not. What then? I then said that we ought to stand upon the principles of that section. Is that what the Senator, with the wealth of learning that characterizes him, understands to be a "pretext?" I think not.

Mr. President, my honorable friend from Ohio in his present enthusiasm I think has a little forgotten himself, if he will pardon me for saying so, and that after all, passing the witticism, and it was not I must confess an extraordinary one, that he perpetrated at my expense, that nothing can be found that I do not find fault with—passing that, I think the Senator on reflection will conclude that there has not been much "pretext" about this particular business, at least east of the Alleghenies. We have had, to be sure, a good deal of pretty broad talk from some Senators on the subject of the value of specie payments, on the subject of the value of coin as the only just basis of commercial enterprise and of corresponding equivalents. I do not mean to say that there has been any "pretext" in that sort of thing. I do not mean to say that anybody standing on the top of the Rocky Mountains has been looking for votes on the shores of the Atlantic by occupying such altitudes. I do not think anybody has; but I think that those Senators who ask for themselves some respect for the fidelity of their own opinions ought to be willing to be generous enough to allow other people occasionally in this land of liberty also to have an opinion of their own, without being terrified into the notion that it is a "pretext." If I am wrong in demanding so much, then of course I ask the Senate and the Senator to excuse me.

But, Mr. President, I wish to state to the Senator from Ohio that I have voted, as he has, steadily to give our western friends the opportunity which they never have exercised when there has been circulation at the Comptroller's office that they could have, and when there is yet, to take it, to give them more, all that they ask. I intend to vote so again upon the bill that is on your Calendar for that purpose. But when a committee of this body, with whom is put in charge a question that has not anything to do with redistribution, but has to do with what I consider to be the safety of every community in this country in respect to compelling banks to keep themselves strong, I shall take the liberty, pretext or no pretext, to give the reasons why I think the committee in this instance in departing from the settled wisdom of the act of 1864, and declaring, as the Senator does in principle, that there is no use in any reserves at all, are wrong; and if there is any treason in that, to quote an old saying, the Senator from Ohio or anybody else is at liberty to make the most of it.

I should be glad to ask the Senator from Ohio, who talks about "pretexts," how this provision for redistribution got into this bill at all? Was it in the House bill that came to this body?

Mr. SHERMAN. Yes; but not for actual redistribution.

Mr. EDMUNDS. The Senator from Ohio is speaking a little too soon. Was it in the bill of the House that came to this body and went to that conference committee? No, sir; it was not. Was it in the amendments of the Senate that were sent to the House and disagreed to and that went to this committee? No, sir; it was not. Where, then, did this committee, in whom were posed the duty of harmonizing those two bills, pick up this stray sheep from the flock, I should be glad to know, and who gave them the authority, I should be glad to be informed, to bring any such subject as this before us in this conference report? Why, Mr. President, in the good old times of Andrew Jackson, to which my friend from Ohio [Mr. THURMAN] is so apt to refer, in that golden age of the Republic, a conference committee that should have undertaken to bring in a proposition of this kind upon a bill that was pending between the two Houses would have been ruled out on a point of order.

Mr. FERRY, of Michigan. Will the Senator allow me to explain?

Mr. EDMUNDS. No, sir; not at this present moment.

Mr. FERRY, of Michigan. It is on the point the Senator is stating as to the action of the committee.

Mr. EDMUNDS. The Senator will be kind enough to wait a moment, and then I will hear him.

It would have been ruled out on a point of order, not on what the Senator might call a technical point of order, and the good sense of the Senate would have said that it was due to the independence of both Houses and to the rights of every Senator and member that the conferees of the two Houses should be confined to the subject that was at issue between them.

But, Mr. President, I make no point of order about this conference report. That is not the point at all. I took the liberty to express, when I was up before, my approval of that part of it. I am perfectly willing, as I have said a thousand times, that this redistribution should be made; but I do not want to be told, because on another part of this proposition, totally distinct from the question of redistribution, but touching the rights and duties of banking everywhere, I do not happen to agree with these new charmers, who keep serpents, and who overthrow the principles of the act of 1864, that I am guilty of resorting to "pretexts" in order to evade this provision for redistribution. The Senator has only to move to take up his distribution bill, or the distribution bill—it is not his in particular—and he will get my vote for it, and he may put it at thirty, forty, fifty, or sixty, or whatever number of untold millions it is that the Senator from Indiana speaks of as being due to the West, and he shall have my vote for it.

Mr. STEVENSON. May I ask the Senator from Vermont a question?

Mr. EDMUNDS. Yes, sir.

Mr. STEVENSON. If a portion of the matter which was referred to us repealed the redistribution act, would not that give us jurisdiction to suggest not only the redistribution, but an increase of it?

Mr. EDMUNDS. I doubt it very much.

Mr. STEVENSON. I can only say to the Senator, whose experience is very much larger than mine, that I think the usage of the Senate and of Congress justify the committee in the exercise of that power.

Mr. EDMUNDS. Now, Mr. President, allow me to say, because I want to yield to my friend from Michigan in a minute—

Mr. FERRY, of Michigan. I wanted to call the attention of the Senator to the very point to which my colleague on the conference committee has called his attention—that that question was before the committee, submitted through the clause of the bill of the Senate repealing the act for the withdrawal of the \$25,000,000, and therefore it was within the boundary of the controversy the adjustment of which was referred to us.

Mr. EDMUNDS. Let us see. Will the Senator be kind enough to read any part of the House bill or of the Senate amendments which contains any such provision? I know it was brought in by another committee of conference, but I do not remember it in the bill.

Mr. FERRY, of Michigan. I have not the bill before me, but I state the fact, and the Senator's ingenuity is so fruitful that I presume he will recall to his attention the fact that it was in the bill since it was part of the project to withdraw circulation from New England in case we adjusted the currency question.

Mr. EDMUNDS. Well, Mr. President, I seem to be guilty again. First, this conference report ought to be adopted because I am guilty of "pretexts;" second, because I am "fruitful of ingenuities." Now, if there is any other good reason for this, I think the Senate ought to be told it, because all Senators may not be willing to vote on those two grounds alone.

Mr. WRIGHT. I was going to suggest to the Senator from Vermont that a reference to the bill as passed by the Senate and as it went to the House will show distinctly that there was a provision in it repealing that clause.

Mr. EDMUNDS. Let us see what there is in it now. I had the impression that the committee would be able to refer me to the clause at once in one or the other of these bills, as they have had them under incubation for some time.

Mr. SHERMAN. You will find it in the third section, I think.

Mr. EDMUNDS. I shall find it in the third section, shall I?

Mr. SHERMAN. In the section for free banking. I think that is it.

Mr. EDMUNDS. We will see. The chairman of the Committee on Finance says that this repealing clause is in the third section. I will read the third section:

SEC. 3. That sections 31 and 32 of the said act be amended by requiring that each of the said associations shall, within ninety days after the passage of this act, and thereafter, keep its lawful-money reserves within its own vaults, at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

The Senator must be mistaken. That is not it.

Mr. SHERMAN. I tried to correct you and tell you it was in the section in regard to free banking.

Mr. EDMUNDS. I did not hear you.

Mr. SHERMAN. I thought I would wait until you got through. It is in the section which requires free banking. If the Senator will give the bill to me I will show it.

Mr. EDMUNDS. Do you mean of the Senate amendments?

Mr. SHERMAN. Yes, sir. The section which repeals certain acts, among the rest that one.



Mr. EDMUNDS. Yes; here is the clause undoubtedly to which the Senator from Ohio intended to refer. If I read the wrong section, it was through his misinformation, because he certainly said the third section unless I am very much mistaken. Here in the fourth section is a clause which provides—

That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed—

And then it goes on to repeal other sections—

and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to \$1,000,000; and section six—

I think that must be it—

of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed—

That is what the Senator refers to—

that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, &c.

Instead of bringing in a bill on these two bills which should regulate steps toward the resumption of specie payments, which should regulate free banking, and which, providing free banking as a substitute for other points in the controversy that we have had, contained a clause repealing the sixth section of the act referred to, and instead of acting upon the repeal of that clause and leaving it repealed, or else declining to repeal it, the Senator says that to drop every other part of the bill and bring in a fresh bill for the redistribution of the currency is within the power of the conferees. I beg the Senator to remember that he ought to be a little cautious before he maintains that, because it may injure us hereafter.

But I do not want to spend any time, as I said, upon the subject of whether the conferees have exceeded their authority or not. I stated when I had the honor to address the Senate before, that I was in favor, without regard to whether this proposition was regularly before us or not, of doing whatever our western and southern friends desired to have done in the way of getting banking facilities if they want them. I ought to have said, as has been said by my colleague, and as I stated the other day, that there ought to be a limit of time to this business somewhere, that this ought not to be held up for a hundred years, because, as Senators will see, taking all the banks in the East, in order to be ready promptly and fully to answer this demand they must keep a reserve on hand in order to meet it as they honestly should, and just so far as they keep this reserve on hand for that purpose, just so far they contract their loans and discounts, and just so far, therefore, from the point of view taken by my friends in the West and South, they are doing an injury to the community, because when the money is once loaned by the banks, it does not stop on State lines; it does not stop on rivers or geographical boundaries; it goes where it is wanted, to pay for things that people desire to buy. That is all the criticism I have to make upon it.

I do not think, therefore, it is just in anybody to say that because I am not in favor of this conference report, destroying as I believe it does by one-half the fundamental principle found by every country and stated by every writer on banking to be for the security of the people who intrust their money to banks, I am using that as a "pretext" to avoid a redistribution of the currency. I say that whoever asserts that asserts that which is unjust to me and which is beneath the dignity of the cause that the honorable Senators represent. They should find some better reason than that for overcoming the suggestion I make that I believe in the law of 1864 regulating all banks, and which has no reference to distribution, that there should be security to the bill-holder and to the depositor also to the full extent required by that act.

Mr. HOWE. I do not rise to say a word in favor of the adoption of this report or against the adoption of it. I will try to be content with whatever the Senate does in that behalf; that is to say, if I am discontented with whatever the Senate does, I will try to bear that discontent as well as I can.

I want to say one word touching this question of distribution. I am one of those who never blamed the East for any share that it has obtained in this privilege of banking. That is a statutory privilege. I think it ought to be common to all. The wisdom of the law, however, decreed that it should be limited. It was distributed, and our friends in the Eastern States secured a share in that privilege quite disproportioned to their population or to their business. I never held them blamable for doing so. The States of the West and South secured a share of that privilege quite disproportioned to their business and to their population, much less than their population and business entitled them to. I never blamed the East for that result; but this morning I understand the Senator from Vermont to urge that the West and the South are to blame for not having secured more of this statutory privilege than they did.

Mr. EDMUNDS. I have not said anything of the kind.

Mr. HOWE. I understood the Senator—if I misunderstood him I shall be corrected—to recite here as an evidence of the patriotism of the East that they came forward when war was abroad in the land and took up this banking circulation by way of aiding the Government; and that the West, not being as patriotic, held back and refused to take the share of that circulation which the statute entitled them to.

Mr. EDMUNDS. I occupied no such position and stated no such proposition, the Senator will pardon me for saying, as he will find by looking at the RECORD to-morrow, which I never change or revise.

Mr. HOWE. Then I did misunderstand the Senator.

Mr. EDMUNDS. You did. I had no such idea.

Mr. HOWE. I am glad I misunderstood the Senator. Still I will take this opportunity to say, since I have gotten up under the influence of a mistake, that I do not think the State I represent is at all to blame for not having secured its full share of that statutory privilege. The State of Wisconsin had a banking system at the time you adopted the national banking system. By the constitution of that State she is prohibited from contracting a debt exceeding \$100,000, except in time of war. When the war came on the State found it necessary to contract a larger debt than \$100,000, did contract a debt to the amount of \$2,000,000 in aid of the Government, in aid of the war, to enable the State to fit out and send its troops to the field. The banks of Wisconsin came forward and invested their capital in those bonds and put those bonds behind their circulation. When you proposed to tax the circulation of State banks 10 per cent., or tax them out of existence, you see that blow fell heavily upon the banks of the State of Wisconsin. I am inclined to think the banks of Wisconsin were just as patriotic when they purchased the bonds of that State issued in aid of the war as the banks of Vermont or of Massachusetts were when they purchased the bonds of the United States issued in aid of the same war.

Mr. SCOTT. Will the Senator from Wisconsin permit me to make a statement bearing on this matter—I do not wish to get into this controversy—which I think ought to settle the question about the relative patriotism of the East and West in taking the national-bank capital? I made an examination at one time on that subject, and prior to the battle of Gettysburgh, in July, 1863, which I believe is conceded as having turned the tide of events, there were not over thirty applications for national-bank charters from all quarters of the United States.

Mr. HOWE. Then, after all, it was not so very patriotic a movement.

Mr. SCOTT. I state the fact.

Mr. HOWE. I am sorry the Senator did not withhold that fact. I should have been glad to believe that the patriotism of all our friends in the East could be measured by the readiness, the cheerful alacrity with which they came forward and subscribed to these bonds and went into the banking business. I should not have protested against the justice of that standard at all, but I should protest against applying the same standard to the State of Wisconsin for the reasons that I was going on to state.

When the United States said to the several States "You must retire all your State bank issues," it involved the necessity on the part of Wisconsin bankers not merely of investing their capital in national bonds, but it involved the necessity of their withdrawing the same amount of capital which was then invested in the bonds of the State. That was a very heavy load for the banks to carry. Those bonds could not readily be converted when all the capital of the country was jumping to get national bonds. I remember to have stood here in the Senate to have resisted the passage of that law imposing the tax. I thought I was discharging but my simple duty to the bankers of Wisconsin in doing so; but while I stood here resisting it those bankers came forward voluntarily, having first invested their capital in the bonds of the State to aid the war, and in convention they agreed to retire those bonds and to invest their capital in the bonds of the nation. So I shall to-day and always protest that the reluctance on the part of the bankers of Wisconsin to come forward and invest in the national banking system is not to be construed here or anywhere as an evidence of any want of patriotism on their part.

Having said this much, I will take my seat, remarking once more that I care but very little what the Senate shall do with this pending measure. It has been remarked before that it does not meet any one of the necessities which hitherto we have all insisted were the necessities that confronted the country. Those two necessities were, first, that as the privilege of banking was a monopoly the monopoly ought to be uprooted, and second, that you have a large amount of national paper afloat, on its face payable on demand, but not paid in fact. The two labors we assigned to ourselves when we came here were, first, destroying this monopoly, and second, redeeming the national faith as it is borne on the face of these legal-tenders. Your bill ignores both these points. It proposes what you call a redistribution of the bank circulation. On that point I have simply to say what I have said repeatedly. If our friends of the East are perfectly willing to allow a redistribution, I accept it; I do not want to snatch at it; and if you give it to us I do not want you to make faces at us. If you think it is an act of justice due to the West and the South, then do justice and do it like men. If you think justice does not require it, then hold on to it. If you got no more than belongs to you, abide by that position. I cannot bear to accept this redistribution and then be taunted for doing so. I suppose if I was very hungry and entirely destitute of money, and my friend from Vermont was to offer me a quarter of a dollar to buy a lunch with, I should take it; but if I saw when he handed me the quarter of a dollar that he was going to spit at me as a beggar if I did take it, I would go hungry a little longer. So I think I will not snatch at this proffer that is now made to us. I will wait and see what the Senate will do about it. If they give it

to us, I think I had better take care that the record shall show it was their act and not mine.

Mr. SCHURZ. I do not intend to prolong this debate, Mr. President; in fact I have neither the strength nor the disposition to do so; but I merely want to state in a few words my position with regard to this bill.

I expect this bill will pass Congress, and what I might say would have little effect either way. There are some provisions in it which I approve of; among others the redistribution of the currency—this for two reasons: In the first place it will, in part at least, remove that injustice which has grown up under the law as it now stands; and in the second place it will dispel some of the delusions which seem to exist here and there, especially in the Western and the Southern States. I should therefore gladly vote for that feature of the bill and desire it to become the law of the land. In fact I have voted several times for it. There are, however, other things in this bill, and especially one which will scarcely permit me to support this particular measure as a whole. The one I refer to particularly is this: This bill legalizes the issue of part of what was called the \$44,000,000 reserve. I for my part with other Senators have always considered that so-called reserve no reserve at all, but upon conscientious investigation of that subject I have believed, and do now firmly believe, that the \$44,000,000 were retired, canceled, destroyed, wiped out as part of the legal-tender circulation, and could not legally be put out again.

I hold also, as a logical consequence, that any *ex post facto* enactment legalizing the reissue of any part of those retired United States notes would amount virtually to a fresh issue of irredeemable paper currency as a legal tender in time of peace, which, looking at it from the point of view of constitutional power or of sound policy, I cannot give my assent to, directly or indirectly.

Conscientiously holding this view, I cannot vote for any measure pretending to legalize the reissue of any part of the so-called forty-four million reserve instead of providing for the retirement of the amount illegally issued.

Having paired off with the Senator from Illinois now absent, [Mr. LOGAN,] before he went West, upon all questions concerning finance, upon the assumption that he and I would naturally be on opposite sides, I shall have to abstain from voting.

Mr. MORRILL, of Vermont. I shall vote against this bill because it is direct expansion. There is some difference of opinion in relation to the propriety of keeping reserves when banks are upon a specie basis. I think myself that then it might be well left to the discretion of every banker. But here we have a national banking system which provides that banks in the country shall have 15 per cent. of reserve and in the cities 25 per cent. That has hitherto kept out of circulation about \$100,000,000. Now it is proposed to obliterate that provision of law so far as the circulation is concerned; and that will, of course, throw that amount into circulation in addition to the sum that heretofore has been authorized. It is solely on the ground of this and the other provision in relation to legalizing what has been mis-called the reserve of \$44,000,000 that I shall vote against the bill.

Mr. MORTON. Mr. President, at almost every step in this discussion for four or five months, to every request that has been made in behalf of free banking or for some extension of the national-bank currency, to give banking facilities to States that had not their full share or had not what they required, we have been met by the most liberal propositions to take twenty-five, forty, or fifty millions from the Eastern States—to take what we wanted. These offers have been made in a most magnificent manner from time to time.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MORTON. Allow me to go on. I always knew that so far as my State was concerned upon the basis of the distribution of the act of 1865, a redistribution would give Indiana but very little; it would not meet the demand and the necessity that exist there. But other States were in a different situation. I confess that when these generous offers were made from time to time I had a secret apprehension that if it should ever come to pass that a vote must be taken upon anything like fair distribution or approaching a fair distribution of this currency, the Senators who made these liberal and generous offers would find some unfortunate thing in the bill, that had crept in either by accident or in the night when nobody was looking after it, which would prevent them from voting for it. Now I shall await this vote with a great deal of interest to see whether my apprehension on that subject will be realized. My friend from Vermont said that he would vote for the other bill, the bill not before the Senate, but I should be afraid—

Mr. EDMUNDS. I did vote for it.

Mr. MORTON. My friend voted for it under circumstances when he did not expect it to pass, and when there was no prospect of its passage; but now for the first time there is a prospect for the passage of a redistribution bill, and my friend finds good and sufficient reasons why he will vote against it, and I have always been afraid that he would.

But he says another thing. He does not admit that the law requires a redistribution or that the States of the West and South failed to get what they were entitled to under the law. He does not admit that; but he intimates that he is willing we should have this as a matter of favor, as a matter of compassion, a gratuity, like a toy thrown to a querulous or unhappy child. I do not believe any of the Western or Southern States want it upon that ground.

Now, what is the simple fact about it? When the first act was passed authorizing \$300,000,000 of national-bank notes and providing for their apportionment among the several States upon a certain basis, the law contemplated that whatever was apportioned to any particular State should stand to the credit of that State until that State was prepared to take it, whether it was this year, or next year, or five years hence. But what was the result? After the law was passed and the system went into full operation, States in the West and South, owing to their condition resulting from the war and from other causes, were not prepared to step in and to take all of it the very first year, and a certain Treasury officer gave a construction to the law that enabled the Eastern States to come in and take what these Western States could not take of their own share the first year, and they did so. That is the whole of it. I do not blame the people of New England for it. I have said so repeatedly. A Treasury officer said they were entitled to it. I do not blame men of capital for coming in and taking it when they thought they could make their capital profitable by that kind of investment. But that did not change the right or change the law. And now we are told at this late hour, after ten years have passed by, when there is a prospect of the passage of a law making an imperfect distribution, now \$25,000,000 short of what the Comptroller of the Currency reported is necessary to make a full distribution, we are told, "You are not entitled to it under the law, but we are willing you should have it, provided the other parts of the bill were right, which unfortunately they are not."

Mr. President, the Senator from Vermont [Mr. MORRILL] said that this is a measure of expansion. Well, to the extent that it liberates legal-tender notes which are now required by law to be held in the vaults of the banks, it is expansion, and \$30,000,000 of old notes set free are a great deal better than \$18,000,000 of new notes put into circulation. I have never been in favor of making new notes and putting them into circulation beyond the limit the law has fixed.

The Senator says further that it is expansion in this, that it requires the \$382,000,000 of legal-tenders to be kept in circulation, and that some millions out of the \$26,000,000 issued last fall have already been retired by the Secretary of the Treasury. If that is true, the country does not know it; but the threat of that retirement is hanging over the country, and perhaps more than almost any other cause depresses the business of this country. If some millions have already been retired, this law will require them to go out, because the plain intention of this law is that the legal-tender circulation shall be \$382,000,000, of course saving the necessary and ordinary currency balance in the Treasury, and the currency balance is always counted in the monthly statement as a part of the circulation, and justly so.

I am criticised for saying that this is not a finality. Do those Senators who have talked so long and so earnestly about specie payments contend that it is a finality? A law that will deny to the State of Indiana the right to establish banks of her own and will not give to her national banks—a great and growing State—can hardly be called a finality. I can say that here and now. We shall hear a great deal said about specie payments, the repeal of the legal-tender act, the hoarding of gold in the Treasury, and the selling of our bonds in Europe to get gold. I have no doubt all that is to be talked of before the people, as well as free banking and such enlargement of the bank system as will enable us to meet the developments of the nation.

This, Mr. President, is all I have to say.

Mr. EDMUNDS. Mr. President, the Senator from Indiana says that the original law provided that this distribution of banking facilities among the several States according to population and wealth, should be a perpetual provision which was to be set apart for the credit and benefit of the particular State and was never to be withdrawn from it. I should be very glad if the Senator from Indiana had pointed out to us any such provision in the act relating to the national banks. No doubt it is my ignorance, but I should be glad to have him or any member of the Committee on Finance or of this conference committee point out, what has never been asserted before, that the law provided this apportionment among the several States should be an apportionment made once forever, and that none of the currency should be issued except to the States who by that apportionment were to take it, whether they wanted it or not. There is not any provision of that kind in the statute that I ever heard of. If there is, I should be glad to hear some gentleman read it.

Mr. SHERMAN. The law of 1863 contained that provision; the law of 1864 did not, which I see the Senator has before him. The act of March 3, 1865, restored the old provision. If the Senator has the act of March 3, 1865, he will find that the old provision for distribution was restored; and that was long before there was any considerable issue in any of the States.

Mr. EDMUNDS. Does the Senator mean to say that the law provided that this currency should only be issued to the States in accordance with their wealth and population, and therefore that the issue to the States in excess of their proportions respectively on the basis of wealth and population was an illegal issue?

Mr. SHERMAN. I would prefer to show the Senator the statute.

Mr. EDMUNDS. The Senator prefers not to answer the question; that is the short of it.

Mr. SHERMAN. I will furnish the statute to the Senator.

Mr. EDMUNDS. The Senator has been at the head of the finances of this nation legislatively for a good while, and I should be glad to have the country know from him whether when we were trying to carry on



the war and pay off the debt that accrued out of it, and when some States did not or would not or could not come forward and get their bonds and take circulation, and thus furnish means to the Government to pay off its obligations, the law was invaded by the Secretary of the Treasury allowing other States that could to establish banks. Was that a violation of the statute? I want to know if the Secretary of the Treasury committed an act of such immense importance as that when the law set apart, as the Senator from Indiana says it did, to each one of the States a given quota which was to stand to its credit until the crack of doom, and leave the soldiers of this Republic to go unpaid for the want of currency to pay them in, to be got by the purchase of bonds and then their deposits here? I should be glad to know it. I should be glad to have it understood now, because it certainly ought to make a great difference in the judgment of just men all over the country in respect to this question of redistribution, whether you are merely correcting a gross irregularity and illegality of conduct on the part of the Secretary of the Treasury, and of robbery on the part of the States that took more than population and wealth pointed out for them to take in the first instance, or whether when a State which was offered that proportion declined to take it, it was lawful for a citizen of some other State to come forward and say: "I will take your bonds and give you the money to pay your soldiers." It is worth knowing; and as it has been boldly stated on this floor, I demand the authority of the statutes under which such an assertion is made. I should be glad to have the people be able to read such a statute, and have it appear in our debates. I never heard the Senator from Ohio say that that was the law. I never heard any person say it was the law until now, for the first time, it has fallen from the lips of the Senator from Indiana, who did not do us the honor to make any reference to the statute on which he relied for any such proposition. He said that that was the true construction of the law. I should be glad to see where the clause is in that law which bears that construction.

The Senator from Ohio says the act of 1864 did not contain it, but the act of 1865 did. I fail to see in the act of 1865 anything that contains it. Perhaps the Senator can reason it out. I will not take his time on that subject. He can do it himself. I beg leave to say that it is rather late in the day to put a construction of that character upon these statutes of the United States—rather late in the day, ten years afterward—to discover that this currency was put out illegally by the Secretary of the Treasury, and that you got your money to pay your soldiers with through a robbery committed by the Secretary of the Treasury and the people of the Eastern States upon the Western States in their purchasing of bonds and depositing them for circulation to do this thing with. It may be so, but it is a thing that has not been discovered until now.

Mr. SHERMAN. I do not want to be drawn into this debate, but the Senator appealed to me as a member of the Committee on Finance, and I feel bound to read him the law. I find it in Brightley's Digest:

And that \$150,000,000 of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such States, District, and Territories.

The reference is to the act of March 3, 1865, 18 Statutes, page 498.

Mr. EDMUNDS. I suppose nobody doubts that that is the way the act of 1865 reads, and nobody doubts how the act of 1863 and the act of 1864 read. That is not the question. The question which the Senator from Ohio does not answer is what in his judgment at the time, and what in his judgment now, and what in the judgment of everybody for the last ten years the honest interpretation of that statute is; and to that the Senator gives no answer. I could have read the statute myself; I had it in my hand. I said that I failed to discover in this statute authority for the assertion of the Senator from Indiana; that was all; and I asked Senators to point out how it meant that. That they do not do. But I am taking too much time about that; it is only incidental.

I only wish the Senator from Indiana, who impugns the honor and fidelity of Senators from the Eastern States on this subject of redistribution, to remember, as others will remember if he does not, that time after time in this Senate the Senators from the Eastern States at this session have voted solid in favor of a distinct proposition to be enacted into the form of a law for this redistribution unembarrassed by the poisonous sauce that this conference committee has surrounded it with and poured over it, but in a way that nobody could object to it upon the merits and nobody did; and the honorable Senator from Indiana and all forces that he could muster, enough to beat it, voted directly against it.

Mr. President, in that point of view I shall leave it to the future to determine whether it is the Senator from Indiana or whether it is I who history will pronounce to have acted the part of a demagogue upon this question. I do not say that either of us has. I only say in reply to the imputations of the honorable Senator that it may be determined hereafter when his acts and not mine, for he is great and I am humble, are drawn into public consideration—it will be for the future to determine how large the good faith and how large the direct fidelity to a straight and square object has been which has brought him to vote constantly against this proposition when it was

not coupled with other things which have nothing to do with it, and which we believe to be injurious to the public welfare, has been consistent with the interest that he now seems to feel, and undoubtedly does feel, in favor of this redistribution which is to carry prosperity and greenbacks to the pockets of those who do not possess either.

Mr. SARGENT. In accordance with the general understanding of the Senate, the hour of four o'clock having arrived, I now move that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. Will not the Senator from California let us take the vote on this question?

Mr. SARGENT. If the debate stops and we can take the vote I will not object; otherwise I do object.

The PRESIDENT *pro tempore*. Is the motion withdrawn?

Mr. SARGENT. Until the roll is called.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the conference committee.

The question being taken by yeas and nays, resulted—yeas 43, nays 19; as follows:

YEAS—Messrs. Alcorn, Allison, Boggs, Boreman, Carpenter, Chandler, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Kelly, McCree, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Scott, Sherman, Sprague, Stevenson, Thurman, Tipton, Wadleigh, West, Windom, and Wright—43.

NAYS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Edmunds, Fenton, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, Stewart, Stockton, and Washburn—19.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Dorsey, Ferry of Connecticut, Howe, Lewis, Logan, Saulsbury, Schurz, and Spencer—11.

So the report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky;

A bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others; and

A joint resolution (H. R. No. 108) in regard to the lower pier at Chester, Pennsylvania.

#### HOUSE BILL REFERRED.

On motion of Mr. STEVENSON, the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, was read twice by its title, and referred to the Committee on Appropriations.

#### RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. SARGENT. I now move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I hope the Senate will not go into executive session until they finish the river and harbor bill.

The PRESIDENT *pro tempore*. The Chair asks indulgence of the Senate before putting the question on the motion for an executive session to dispose of business on his table.

Mr. SARGENT. I have no objection to that.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, communicating the official report of the delegates selected to represent the United States at the eighth session of the international statistical congress, held at Saint Petersburg in August, 1872, by invitation of the Emperor of Russia; which was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, in obedience to law, the report of the surveyor-general of New Mexico on land grant to Francisco Montes Vigil, reported as private land claim No. 91, for the town of Alameda tract, in Bernalillo County, New Mexico; which was referred to the Committee on Private Land Claims.

#### STATISTICAL ATLAS OF NINTH CENSUS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the three thousand copies of the Statistical Atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by act of March 3, 1873, shall be distributed for public and official use as follows: twenty-five copies for the President; six hundred copies for the Senate; twelve hundred copies for the House of Representatives; two hundred and twenty-five copies for the State Department, and for transmission to United States legations and the more important consulates abroad, and to the legations of foreign governments in Washington; seventy-five copies for the Treasury Department; forty copies for the War Department; twenty-five copies for the Navy Department; twenty-five copies for the Department of Justice; twenty-five copies for the Department of Agriculture; six hundred copies for the Department of the Interior for its use and distribution among the executives of the several States, and libraries of literary institutions; sixty copies for the Library of Congress, State libraries, and one hundred copies for Francis A. Walker.

Mr. ANTHONY. I move that the Senate agree to that resolution. It merely provides for the distribution of a book already ordered to be printed.

The resolution was considered and agreed to.

#### RAYMOND'S MINING REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives, (the Senate concurring.)* That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House, two thousand for the Senate, one thousand for the Treasury Department, and one thousand for the Commissioner.

#### EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

*Resolved, (the Senate concurring.)* That there be printed twenty thousand copies of the report of the Commissioner of Education, five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

#### TRANSPORTATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

*Resolved by the House of Representatives, (the Senate concurring.)* That there be printed six thousand copies of the report, with appendix and evidence of the Select Committee of the Senate on Transportation to the Sea-board, four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

Mr. ANTHONY. We passed a resolution this morning for a different distribution of that document and the printing of a less number of the evidence.

Mr. SARGENT. I think it had better go to the Committee on Printing.

The resolution was referred to the Committee on Printing.

#### AMENDMENTS TO AN APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COOPER, Mr. BOUTWELL, Mr. STEVENSON, and Mr. MITCHELL submitted amendments intended to be proposed by them to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

#### LOUISVILLE CUSTOM-HOUSE.

Mr. STEVENSON. If the Senator from California will yield the floor to me for a moment, I wish to report from the Committee on Appropriations a bill and ask that it be put on its passage.

Mr. SARGENT. I believe that will lead to no discussion.

Mr. STEVENSON. None.

The Committee on Appropriations, to whom was referred the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, have directed me to report it without amendment, and I ask for its present consideration.

The bill was read.

Mr. EDMUNDS. The same principle that I acted upon this morning compels me to ask that that bill shall go over. If we are ever going to do anything with the Calendar, we must go to it.

Mr. STEVENSON. I ask that the bill be put on its passage. It is absolutely essential that this should be done.

Mr. EDMUNDS. What difference does it make whether it is done to-day or to-morrow?

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia," was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The joint resolution (H. R. No. 8) in regard to the lower pier at Chester, Pennsylvania, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c., was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York, was read twice by its title.

Mr. FENTON. I ask that the Senate act on that bill now. It is merely a bill directing an inquiry, and is in a very few lines.

Mr. EDMUNDS. The same honor that I owe to other gentlemen compels me to stand by the Calendar.

Mr. FENTON. Then let the bill be referred.

The bill was referred to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 3477) for the relief of Nelson Tiffany was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington was read twice by its title.

Mr. BUCKINGHAM. I ask that that be put on its passage.

Mr. EDMUNDS. I object.

The joint resolution was referred to the Committee on Foreign Relations.

The bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade, was read twice by its title.

Mr. SCOTT. I am requested by the gentlemen having in charge the erection of that statue to ask the immediate consideration of the bill.

Mr. EDMUNDS. I object.

The bill was referred to the Committee on Military Affairs.

The bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, was read twice by its title, and referred to the Committee on Mines and Mining.

The bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3132) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes, was read twice by its title.

Mr. WASHBURN. I hope that will not be required to be referred. It is merely allowing certain pieces of ordnance to be granted to Lexington as has been done in other cases.

Mr. EDMUNDS. Such bills have always been referred. I object for the same reason that I have done so before. I do not see why bills should be passed now when others reported long ago are waiting.

The bill was referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased—to the Committee on Military Affairs.

The bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory—to the Committee on Territories.

The bill (H. R. No. 3756) to appoint a commission to establish the rights of the former slaves in the Choctaw and Chickasaw countries, and their descendants, and to submit the same to Congress—to the Committee on Indian Affairs.

#### EXECUTIVE SESSION.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business. I need not remind Senators that this motion is in accordance with an understanding arrived at a few days ago.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

The motion was agreed to, there being on a division—ayes 34, noes 7; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the Senate (at six o'clock p. m.) took a recess till half past seven o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m. in executive session. After two hours and twenty-three minutes spent in the consideration of executive business the doors were reopened.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. TYNER of Indiana, Mr. J. B. PACKER of Pennsylvania, and Mr. S. S. MARSHALL of Illinois, managers at the same on its part.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had



signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 110) for the relief of the East Tennessee University;  
A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

A bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities;

A bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

A bill (H. R. No. 3332) to fix the term for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

A bill (H. R. No. 3690) for the government of the District of Columbia, and for other purposes;

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, reported it with amendments.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PRATT. I move to take up House bill No. 2190, being the bill amendatory of the act granting pensions to the soldiers of the war of 1812, &c.

Mr. CHANDLER. I hope that bill will not be taken up. I hope the Senate will go on with the river and harbor bill and dispose of it.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Indiana moves to postpone the pending and all prior orders, and proceed to the consideration of the bill indicated by him.

Mr. EDMUNDS. I should like to hear that bill read.

Mr. DAVIS. I hope the motion of the Senator from Indiana will not prevail, and for this reason: We had a vote this morning, and a recess was taken and a session called for to-night for the express purpose of considering the pension bill, the bill which I understand the Senator from Indiana now proposes to call up.

Mr. PRATT. Yes, sir.

Mr. DAVIS. We came here this evening for that purpose. The subject was brought before the Senate this morning, and by a large vote, I believe by a majority of fifteen, the Senate determined to come here to-night for the purpose of taking up that bill.

Mr. CHANDLER. I have been striving ever since Monday morning at twelve o'clock to get action on the river and harbor bill. We now have one day more of the session, and it is absolutely certain that the river and harbor bill must go to a conference committee, and unless it is taken up now and perfected and passed to-night, there is very grave doubt whether it will pass at all. If the river and harbor bill has any friends here I trust they will stand by it. I hope the motion of the Senator from Indiana will not prevail, but that the friends of the river and harbor bill will stand by it. If it has no friends, let it go.

Mr. WEST. The House of Representatives having acted upon the amendments of the Senate to the post-office appropriation bill, concurring in some and non-concurring in others, and agreeing to others, with amendments, and asked for a conference, I move that the Senate insist on its amendments and agree to the conference, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. EDMUNDS. I should like to know what the state of the question is on the post-office appropriation bill before we lump it in that way.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Indiana to postpone the pending and all prior orders and proceed to the consideration of House bill No. 2190.

Mr. WEST. I am aware of that; but I presume the Senate will entertain a motion to appoint a committee of conference at any time. It can be submitted to the Senate if it is necessary.

The PRESIDING OFFICER. Is there objection to the motion made by the Senator from Louisiana?

Mr. EDMUNDS. I want to hear the communication from the House of Representatives read, if it is not offensive to the Senator, to know what it is that we are to have a conference about.

Mr. WEST. The Senator is very ingenious in finding offense. I do not find any offense.

The PRESIDING OFFICER. The Chair will lay before the Senate a message from the House of Representatives in relation to the post-office appropriation bill.

The Chief Clerk read the action of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES,  
June 19, 1874.

Resolved, That the House concur in the amendments of the Senate to the bill

(H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, numbered as follows: 1, 3, 4, 7, 9, 10, and 11.

That the House non-concur in the following numbered amendments, namely, 2, 5, 6, 13, 14, 15, 16, and 17.

That the House concur in the following amendments of the Senate to said bill, with amendments, as follows:

*Eighth amendment.*—After the word "publications" in line 6 of said amendment strike out the words "four cents" and insert "issued weekly and more frequently than once a week, one cent and five mills," and after the word "thereof" in line 7, insert "and on those issued less frequently than once a week, three cents for each pound or fraction thereof."

*Twelfth amendment.*—In line 1, after "Postmaster-General" insert "when in his judgment it shall be necessary," in line 17, after the word "do" insert "and shall thereafter without having taken such affidavit, deposit any newspapers in the mail for transmission," and in lines 21 and 22 between the words "any" and "person" and "any" and "matter," insert the word "such," and in line 24, after the word "done" insert "with the intent to avoid the prepayment of postage due thereon," after the word "any" in line 25 insert "such," and in lines 29 and 30, strike out the words "less than \$100 nor" and in line 31 strike out the words "three years" and insert "one year."

That the House ask a conference with the Senate on the disagreeing votes of the two Houses on said bill.

Ordered, That Mr. TYNER, Mr. PACKER, and Mr. MARSHALL, be the managers of the conference on the part of the House.

Mr. EDMUNDS. I should be glad to have the Senator in charge of this bill explain to us what are the open questions between the two Houses, in order that we may understand what it is we are to have a conference about. The Chair will remember that to-day we had some discussion on the matter as to whether the conferees on the currency bill acted within the line of their duty, and I think it quite desirable that we should know in this instance, not more than in any other, what it is we are submitting to a conference between the two Houses. The Senator from Louisiana can explain it to us, if he can be heard. I have no doubt in a very short time.

Mr. WEST. The only point involving an appropriation in the bill from which the House disagrees with the Senate is an amount of \$700. So with respect to money that is the only difference. The main open question with regard to general legislation is the disagreement of the House of Representatives to the amount fixed by the Senate as postage upon newspapers, the House determining that one and one-half cents a pound shall be enough, but the Senate holding to the opinion that four cents a pound is proper. There are some minor matters in connection with the details of that difference, but nothing more than that, I understand.

Mr. EDMUNDS. What is the state of the question as respects transmitting the RECORD through the mails?

Mr. THURMAN. That is in amendment numbered 17. That is non-concurred in.

Mr. EDMUNDS. That is open. What is the state of the other postage question as to the transmission of public documents already printed?

Mr. THURMAN. That is in the same section and non-concurred in.

The PRESIDING OFFICER. What is the motion made by the Senator from Louisiana?

Mr. WEST. That the Senate insist on its amendments non-concurred in by the House, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Messrs. WEST, RAMSEY, and SHERMAN were appointed the conferees.

#### AMENDMENT TO AN APPROPRIATION BILL.

Mr. CLAYTON. I desire—

Mr. STEVENSON. I rise to a question of order. The pending question, as I understand, is on the motion of the Senator from Indiana to take up the pension bill.

The PRESIDING OFFICER. But by unanimous consent the motion of the Senator from Louisiana was entertained.

Mr. STEVENSON. Only that. Now comes the Senator from Arkansas with a motion.

Mr. CLAYTON. I only desire to submit an amendment to an appropriation bill. I desire to give notice of an amendment to be moved to the bill (H. R. No. 3600) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

#### ORDER OF BUSINESS.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana to lay aside the pending and all other prior orders and proceed to the consideration of House bill No. 2190.

Mr. MORRILL, of Maine. May I inquire what the pending business is?

The PRESIDING OFFICER. The river and harbor appropriation bill.

Mr. MORRILL, of Maine. I believe that there seems to have been a pretty general understanding all along that the appropriation bills should take the precedence in the order of business, and we have arrived now at that late day of the session, almost in the last hours of the session, when if we do not observe that rule I am very sure we shall not be in a condition to adjourn on the 22d instant.

I have no right to know of course what the proposition is which is to supersede this appropriation bill, but I should regret extremely that it should be found necessary to displace an appropriation bill at this particular time, so late in the session, for any matter of legislation whatever. Unless the House of Representatives should change their position on the subject, we shall adjourn on the 22d instant. We have no right to know that we shall not. If after we have passed the appropriation bills, it shall be found that the public necessity is so great as to require further delay, that may be very well, but certainly we cannot afford for any general legislation whatever to postpone the consideration of an appropriation bill at this time of the session. To-morrow morning, or during the session of to-morrow, I shall ask the Senate to proceed to the consideration of the sundry civil appropriation bill, which is a large bill and will require a good deal of attention. It seems to me that the Senate cannot afford to lay aside the bill which the Senator from Michigan has under his charge.

Mr. CHANDLER. The Committee on Appropriations have already served notice on the Committee on Commerce that they will call up what is known as the omnibus bill to-morrow morning, and will antagonize it against the river and harbor bill, and I hope the Senate will to-night complete that bill. I ask the Senate to stand by the river and harbor bill.

Mr. STEVENSON. I gave notice the day before yesterday that I should ask for a night session to-night for this purpose, and the Senator from Michigan has no right to ask us to consider the river and harbor bill to-night. He would have adjourned at six o'clock and his bill would have gone over until to-morrow. The day before yesterday I gave notice of a night session to-night for a particular purpose and I hope every friend of the pension bill will stay here and give us a vote on it. Let us have a fair vote. If the majority of the Senate is in favor of the river and harbor bill to-night I shall say amen. If they are in favor of the pension bill, it will not take us five minutes to pass it.

Mr. PRATT. The bill now moved, as I had occasion to say to-night, has been pending in the Senate since the middle of March last. The Senate will bear me witness that I have attempted time and again to bring this bill before the Senate for its consideration. I made an appeal yesterday and stated the grounds. When to-day the Senator from Kentucky moved that we take a recess from six o'clock until half past seven, my understanding was that that motion having followed a speech upon the importance of disposing of this bill, it was the understanding of the Senate that this night should be devoted to its consideration. I came up here for that purpose, and I do not think that the consideration of the bill will occupy any great length of time. There are but three propositions in it. It is a bill amendatory of the act of February 14, 1871, which gave pensions to a certain class of the soldiers of the war of 1812 against Great Britain. That law limited the pensioners to those who had served sixty days. This bill which the House sends us admits all soldiers of the war of 1812.

The PRESIDING OFFICER. The Chair would suggest to the Senator that a discussion of the merits of the bill is not in order on the motion to take it up.

Mr. PRATT. I was not stating the merits of the bill but simply what the bill contained. However, if I am out of order, I will not pursue that line of argument any longer. All I wish to say is that I think it is due to the persons who are beneficiaries of this bill that they should have a hearing at the present session. I think that this bill has been set aside long enough. If it is crowded now into the last hours of the session whose fault is it? Certainly it is not mine. As the chairman of the Committee on Pensions I reported this bill more than a month ago, and took occasion then to explain its merits in a speech of half or three-quarters of an hour. Since that time I have repeatedly made an appeal to the Senate to take it up for consideration. I hope therefore that we shall have a vote, and a vote that will indicate who are the friends of this bill.

Mr. SCOTT. I am not willing that the last remark of the Senator from Indiana shall pass without a word of reply. He says he hopes that this vote will indicate who are the friends of this bill, who are willing to have it considered. Now, Mr. President, I suppose that no Senator here is unwilling that the merits of the bill shall be considered, and I rise to express my regret that the chairman of the Committee on Finance is not in his place, because I think that there is another very serious question in this bill, or in this motion, and it is this: We now have before us the appropriation bill for the purpose of keeping in repair the harbors of the country, and of removing obstructions from the navigable rivers of the country; in other words, will we lay aside at this period of the session a bill which is necessary to be passed in order that our harbors may be kept open so that we may receive revenues enough to pay the pensions we are already liable to pay, and receive revenues enough to carry on the other operations of the Government? Will we lay aside this bill, and have our harbors filled up for want of appropriations so that our commerce cannot be carried on? That is just as important a question to be considered on this motion as who are the friends of this bill when we get it before us, and I hope that some attention will be paid to those appropriations which are necessary to enable the Government to go on and pay the pensions that others are now looking for, as well as those who are interested in this bill.

I trust, sir, that we shall stand by the chairman of the Committee on Commerce at present, and enable him to get through the river and

harbor bill so that these great public works necessary to keep the Government in operation shall not fail for want of appropriations.

Mr. FLANAGAN. I for one am going to stand by the chairman of the Committee on Pensions on this occasion, and he is found in his seat. Our distinguished friend, the chairman of the Committee on Finance, is generally there; but he is absent to-night, when it is very well known to the Senate that there is no Senator here but what understood from a vote that we had upon this subject that this question was to be taken up at half past seven this evening.

Mr. FERRY, of Michigan. Let me remind the Senator from Texas that my colleague, the chairman of the Committee on Commerce, who is so modest, whose bill is now being criticised by the Senator who is on his feet, is in his seat and pressing the consideration of the river and harbor bill.

Mr. FLANAGAN. I am very well aware of that; and complimentary to him it is to say that he is always there, particularly when rivers and harbors are spoken of. There is no doubt about that. Every Senator is well aware of that fact. I will stand by him in due time. There is no danger, as expressed by my distinguished friend from Pennsylvania, on the subject of the appropriation bills. They will be passed beyond a doubt. It is very questionable, however, from the indications that I see here, whether they will not cover up and smother out a proposition to do justice to a class of men that it is very hard to vote against. There is not a Senator here who is not immediately representing the class that it is now proposed to benefit, and they are worthy. As to the millions of money that are spoken of that it will require to do them justice, I care not what the amount may be; the millions will be well appropriated, better than they will be in many instances in the river and harbor bill, or in any other great measure that you can speak of.

It is hard to "kick against the pricks;" it is hard to vote against the old soldiers. They have been the life of this country from its earliest to its latest period of history, and we must do them justice, and I have no hesitation in saying justice will be done them; and this is the proper time, now is the time to take up and act upon this bill, and I am confident it will be done.

Mr. MORRILL, of Vermont. I suppose it is not unknown to all the Senate that the appropriations for the coming year are very likely to exceed the amount of our revenue. The bill proposed by the Senator from Indiana is likely to add to the burdens of the Treasury, as I have understood, some \$15,000,000.

Mr. WEST. How is that?

Mr. MORRILL, of Vermont. I think it is very much better that we should take up some measure that will add something to the resources of the Treasury rather than diminish them. I make an appeal in behalf of what is known as the little tariff bill, and if I can get votes enough for it we will take that up and consider it to-night or immediately after the river and harbor bill is disposed of.

When we came here to-night I did not suppose that the Senate were committed to any measure. I thought that the Calendar was as much open as any other measure. I knew that the Senator from Kentucky [Mr. STEVENSON] was anxious to have his pet measure considered. I also knew that the chairman of the Committee on Commerce was determined to push his measure through; and there were various other favorite measures that were likely to be called up, and it would be left to the discretion of the Senate as to what they would actually do when they were assembled.

Now, Mr. President, it does seem to me that it is the height of wisdom and statesmanship that we should seek to contribute something to the Treasury rather than to deplete it. I shall therefore move at the first moment that I can that we take up the little tariff bill and consider it to-night, for if it is not disposed of to-night I fear we shall not have any other opportunity to consider it.

Mr. BOREMAN. Mr. President, the Senator from Indiana seems to intimate that he will regard this vote as a test of the friends of the pension bill. I do not think it ought to be so regarded. Certainly in the case of some Senators here it must not be so regarded. This evening we had under consideration the river and harbor bill. I think it is better to get through with one thing at a time and proceed with that bill until we finish it and then take up this bill, if it is not to be considered, as I hope it will be, during this session. I hold, then, that the vote on this motion is not to be a test.

Mr. STEVENSON. I hope it will be a test, and it is a test. No gentleman can escape the test. Gentlemen can vote as they please of course; but it is a test. This bill is not in antagonism with the river and harbor bill. The river and harbor bill gave way to a financial discussion to-day. When I asked for a session to-night it was with the distinct avowal and understanding that the soldiers' bill should have to-night.

Mr. EDMUNDS. There was no such understanding, let me tell the Senator.

Mr. STEVENSON. I beg pardon of the Senator from Vermont; he was not here; he did not hear what I said. I did say that the only object in taking the recess was to have this bill considered, and then the chairman of the Committee on Commerce, that being so, did not propose, nor did any other Senator that I heard of propose to antagonize with this bill. I could not make the motion in a form which would certainly bring up the bill as of course.

Mr. EDMUNDS. I do not object to the Senator from Kentucky stating what his understanding was, but I was here and heard all



that the Senator said, and I have no doubt that his understanding was that he would push this bill through at all times if possible. Nobody misunderstood that. But when we were taking the vote several Senators around me said "we want a session for to-night in order that we may finish these appropriation bills, and therefore we vote for the recess." The Senator therefore has no right to say that there was any understanding that this bill should be considered to-night. We get an understanding by having the Chair put to everybody the inquiry whether there is common consent that a particular bill shall be regarded as in order. The Senator from Kentucky perfectly well understands that. I hope that we shall not be pressed with the consideration that there was an understanding that this bill was to overslaugh the appropriation bills, when the understanding has been on this side of the House for a good while, which I supposed bound us all, that appropriation bills, in the condition of the public business, when they were reached should have precedence over everything; and I say that for the benefit of the Senator from Indiana.

Mr. STEVENSON. One word in reply to the Senator from Vermont. He says he heard what I said. Then he heard in Vermont what I said, because what I referred to as having been said by me was what I said on the day before yesterday.

Mr. EDMUNDS. I beg the Senator's pardon. I was referring to what he said to-day on the same subject.

Mr. STEVENSON. So I presumed. The day before yesterday I rose in my place and said that by the consent of the Senate I would this morning move to appropriate this evening to the consideration of this specific bill. There was no objection, that I heard, from any quarter. I rose this morning and made the motion. I do not mean to say that Senators are committed to it—my friend from Vermont misunderstands me there—I only mean to say that I sought to antagonize with nobody, and that the understanding of the friends of this measure was that it would be considered to-night. I do not believe that we should have had a night session if it had not been for the notice I gave and for the motion I made. That is my distinct understanding, and while I claim that no man is bound and that every man is free in good faith to vote as he pleases, I still must maintain my proposition that but for this motion of mine we should not have been here to-night. No chairman of any appropriation committee said to me "you can move that; but I shall, if necessary, move to take up my bill."

Mr. BUCKINGHAM. I appreciate the position of the Senator from Kentucky and his desire to have this bill passed. I am anxious for it also; I am in favor of having the bill acted upon at the earliest moment even if there is but little money in the public Treasury; but I must say that I thought all these measures which are sought to be brought before the Senate were to give way on account of the public necessity to the regular appropriation bills. It is with that view that I feel obliged to stand by the chairman of the Committee on Commerce and vote against taking up the bill proposed by the Senator from Indiana, although I earnestly desire that the bill should be considered.

Mr. PRATT. I wish to make a single remark in reply to what has fallen from the Senator from Vermont, [Mr. EDMUNDS.] I did not intend in making this motion to antagonize the appropriation bill which was under consideration to-day. I made it upon what I considered was the understanding of the Senate, after the adoption of the resolution on motion of the Senator from Kentucky, that when the Senate took a recess at six o'clock it would meet again at seven and a half o'clock. There was nothing expressly said in that motion or resolution that the Senate would take up for consideration this pension bill this evening; but I think it was generally understood that the appropriation bill would go over until to-morrow, and that this evening would be devoted exclusively to the consideration of this pension bill. It was with that understanding that I made the motion that I did a short time since, and now I wish to have a vote upon that motion. If it is voted down, well and good; I have done my duty. I consider it my duty as the chairman of the Committee on Pensions to omit no opportunity of bringing this bill fairly before the Senate for its consideration.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to lay aside the pending order, which is the river and harbor bill, and all prior orders, and proceed to the consideration of House bill No. 2190.

Mr. CHANDLER and Mr. STEVENSON called for the yeas and nays; and they were ordered.

Mr. CHANDLER. It must be known to every Senator that displacing the river and harbor bill at this time is virtually abandoning it; it loses its place.

The question being taken by yeas and nays, resulted—yeas 29, nays 27; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, Kelly, Lewis, Merrimon, Norwood, Oglesby, Patterson, Pease, Pratt, Ransom, Robertson, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Tipton—29.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Clayton, Conover, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hitchcock, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Scott, Spencer, Wadleigh, Wadsworth, West, Windom, and Wright—27.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hager, Harvey, Logan, McCreery, Morton, Schurz, Sherman, and Stewart—17.

So the motion of Mr. PRATT was agreed to.

The PRESIDING OFFICER. The Clerk will report the bill.

Mr. CHANDLER. I now move that the further consideration of the river and harbor bill be postponed until the first Monday in December.

Mr. FLANAGAN and Mr. STEVENSON. I second that motion.

Mr. ANTHONY. That motion is unnecessary. The bill is postponed of course after the vote just taken.

The PRESIDING OFFICER. That bill having been laid aside, the motion is not in order. The Clerk will report the pending bill.

#### THE CONGRESSIONAL RECORD.

Mr. ANTHONY. I ask consent to make a report. The Committee on Printing, to whom was referred the resolution directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c., was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### PENSIONS TO SOLDIERS OF 1812.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

Mr. MORRILL, of Vermont. Some of my brother Senators think that I rather exaggerated the amount that is involved in this bill. I therefore desire to ask the chairman of the Committee on Pensions whether this bill will not involve the payment of about eleven millions of back pensions and four or five millions annually thereafter as it now stands?

Mr. PRATT. I am not able to answer with anything like precision the question of the Senator from Vermont. I will state that I am instructed by the committee to offer certain amendments to this bill, which will greatly reduce the amount necessary to be appropriated in order to pay these soldiers.

Mr. MORRILL, of Vermont. Then I will ask the chairman of the committee if he thinks the estimate I have given is an exaggerated statement or not?

Mr. PRATT. The bill as it came from the House placed upon the pension-roll all the surviving soldiers of the war of 1812, which would include of course every man who had served a day, and it placed them upon the same footing with those soldiers who served sixty days in the war and who were pensioned under the act of February 14, 1871; but I am instructed by the committee to propose an amendment to the first section of this bill, so that it will limit the pensions that are granted to those who are not already pensioned to the date of the passage of this bill; that is to say, the amendment that I shall propose will give to the surviving soldiers who were not benefited by the law of 1871 pensions from the date of the passage of this bill.

Mr. MORRILL, of Vermont. I hope the Senator will pardon my persistence in the pursuit of knowledge under great difficulties. He seems disinclined to give me any opinion as to the amount. I will therefore ask him whether he has not a statement of the Department itself on this subject, and if he has, I should be glad to know the estimate of the Department as to the amount involved in this bill?

Mr. PRATT. I will cheerfully answer the Senator from Vermont. I applied to the Commissioner of Pensions for an approximate estimate of how much would be required to answer the demands of this bill as it came to the Senate from the House of Representatives; and without having the figures before me, I will state in general terms that he estimated—

Mr. EDMUNDS. Have you not the letter? If you have, you had better have it read, so that we can all hear it.

Mr. PRATT. It has been once read to the Senate. I have it here somewhere among my papers.

Mr. EDMUNDS. I never heard it. Was this bill ever up before?

Mr. PRATT. It was up one day for the purpose of allowing me to explain it.

Mr. EDMUNDS. I should like to hear the letter read. I do not remember to have heard it.

Mr. PRATT. The letter is incorporated in the remarks which I submitted to the Senate on this bill on the 6th of May, and I send a copy of it as printed in the RECORD of the 7th of May, to the Secretary's desk for the purpose of having it read.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) If there be no objection, the letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE.  
Washington, D. C., April 23, 1874.

SIR: In reply to your inquiries of this date I have the honor to answer as follows: First. At what percentage per annum do the survivors of the war of 1812 on the roll die?

It appears from our records that during the year ending June 30, 1872, of 17,100 survivors on the roll, 604 deaths were reported, or 3.5 per cent. During the year ending 1873, of 18,266 on the roll, 2,036 deaths were reported, or 11.1 per cent.

Of the widows, out of 3,027 pensioned to June 30, 1872, 122 deaths were reported, or 4 per cent. In 1873, of 5,053 on the roll, 222 deaths, or 4.4 per cent. were reported.

It is necessary to add that this statement does not include all those of either class who died during those periods. Deaths are only reported to the office when allowances are claimed. We estimate the actual loss to the roll at about 10 per cent. per annum, though the names may remain upon the record until three years from the date of last payment, when they will be dropped by operation of law.

Second. How does the percentage of deaths increase as they get older? From the foregoing it will appear that we are unable to give reliable information upon this point.

Third. If all the soldiers of that war (1812) should be pensioned, what would be the probable addition to the list?

Basing the estimate upon experience under the act of February 14, 1871, I find that 51,555 soldiers of the war of 1812 would have been entitled at the date of its passage for one day's service. Deducting therefrom 25 per cent. for those since deceased, 12,889, and 16½ per cent. as an allowance for those who, from various causes, will fail to apply, and those who will be unable to prove their claims, 6,445, and I conclude that 32,221 soldiers would be added to the list, an excess of 10,836 over the present roll.

Fourth. If widows who married before 1825 were admitted, how many would be added to the list?

Under date of January 15, 1873, I had the honor to inform you that in the opinion of this office 16,000 widows would become entitled by the extension of the limitation as to marriage down to 1825, the term of service remaining at sixty days. Proper deductions from these figures would be 10 per cent. for deaths, 1,600, and 20 per cent. for incomplete claims, 2,800, leaving 11,520 as the number who would probably become pensioners.

Fifth. If widows married before 1850 were admitted to the pension-list, to what extent would it increase the present roll?

Without claiming a great degree of accuracy for this statement, I place the number at 28,000, assuming that one day's service is intended. At date of 1825 these soldiers had reached an age when most men have formed their domestic relations, and marriages subsequent to that time were principally remarriages.

Sixth. Taking the House bill (2190) as it is, what would probably be the amount of appropriation necessary to meet the increase?

Survivors to be added, 10,386, at \$96 per year.....	\$1,040,256
Widows to be added, 28,000, at \$96 per year.....	2,688,000
Removal of disloyalty bar, 464, at \$96 per year.....	44,640
Total.....	3,772,896
To pay arrearages, three years.....	11,318,688
Grand total.....	15,091,584

Mr. EDMUNDS. That is a grand total, certainly!

The Chief Clerk resumed and concluded the reading of the letter, as follows:

Upon the assumption that the claims will be adjusted immediately upon the passage of the act, this amount of appropriation would become necessary. But in fact their settlement would occupy several years, and the arrearages, to a large amount, become payable from future annual appropriations. As \$400 would be required to meet the payment of each new claim admitted during the first fiscal year, if twenty thousand claims are adjusted during that period—and with a proper amount of force this can be done—an immediate appropriation of about \$8,000,000 will be required.

Seventh. How many pensioners of the war of 1812 are now admitted?

Survivors.....	21,385
Widows.....	6,076
Total.....	27,461

Eighth. What, since you made your last report, is the probable number of deaths of survivors and widows?

Applying this question to pensioners, I am unable, without occupying more time than you have allowed me, to give an answer. If made, as I state, under your first questions, the number reported to the office would vary materially from the correct number.

In view of your request for an immediate answer, the statement has been very hastily prepared, but is believed to be approximately correct.

Very respectfully,

JOS. LOCKEY,  
Acting Commissioner.

Hon. D. D. PRATT,

Chairman Committee on Pensions, United States Senate.

Mr. PRATT. Mr. President, that estimate of the Commissioner was made upon the basis of this bill which gives all the surviving soldiers who are not now admitted to the rolls arrears back to the 14th day of February, 1871. One of the amendments which I am instructed by the committee to offer will cut off all those arrears which go to swell so largely the sum total in the estimate. I have other letters from the Commissioner here which I have abstracted, and I will proceed to give his estimates upon different hypotheses that were submitted to him; first stating, however, the number at present on the rolls according to his last report under the existing law, that law which admitted all the surviving soldiers of the war of 1812 who had served sixty days, and all of the widows of those soldiers who had died who were married previous to the conclusion of the treaty of peace. Of the surviving soldiers there are 18,266, and of widows 5,053, making in all upon the pension-roll under the act of 1871, 23,319 who are drawing pensions at this time to the annual amount of \$2,238,292.

The Commissioner, in answer to a question that I propounded to him, stated that the number of survivors who served one day is estimated to be 19,246. The pensions of this number at \$96 each would amount to \$1,847,616.

Another question that I propounded to the Commissioner was, How many would be admitted to the roll, supposing that the bill was so changed as to include only those soldiers who had served thirty days during the war? And the estimate of the Commissioner is that the number of soldiers and widows entitled by a change in the law admitting to pensions those who have served thirty days would be 5,429, which at ninety-six dollars a year for each would amount to \$511,184 per year.

I then submitted to him the question, What number of widows would be entitled by a change in this present bill, including those who were married before the year 1825, instead of the year 1850 as

this bill proposes? And his answer is that the number would be 15,200, which at ninety-six dollars a year would amount to \$1,459,200 per year.

The next question that I submitted to him was what number would be admitted to the roll if the term of service was limited to fourteen days, in accordance with the bounty-land act of the 3d of March, 1855, which the Senate will remember was the limit of service. All soldiers who had served in any of the wars of this country from 1790 down to that time were by law declared to be entitled to bounty-land warrants calling for one hundred and sixty acres each; and taking that law as fixing a principle upon which we should grant pensions to the surviving soldiers of the war of 1812, I asked what number would be admitted to the rolls if the House bill were so changed as to limit its provisions to those who had served fourteen days; and his estimate was that there would be 13,108 added to the rolls, which at ninety-six dollars each per year would amount to \$1,258,368.

I have not before me an estimate of the amount that would be required to satisfy the fifth section of the bill which provides for the restoration to the pension-rolls of the names of all persons now surviving who were heretofore pensioned on account of services in the war of 1812 against Great Britain, and whose names were stricken from the rolls in pursuance of the act of 1862 and the joint resolution of March 4, 1867. My general recollection is, however, that the estimate of the Commissioner is that there are about four hundred and forty-odd who have been dropped from the rolls and who would be entitled to restoration under the provisions of the fifth section of this bill.

Mr. EDMUNDS. Have you not the report of the Commissioner on that subject?

Mr. PRATT. I have somewhere; but I do not think I have the letter here.

Mr. EDMUNDS. There must be a great many more than four hundred and forty, I should think.

Mr. PRATT. My recollection is that it was less than four hundred and fifty. I do not think I can be mistaken about that.

Mr. EDMUNDS. How much is the arrearage due to each man?

Mr. PRATT. According to the provisions of the fifth section of this bill these men who have been dropped from the rolls would be taken up just as if their pensions had never been suspended, and of course there would be twelve years of arrearages; that is supposing they were dropped from the rolls in 1862 at the time the law on that subject passed.

Mr. EDMUNDS. Although in fact they did not draw after 1861, I suppose; so that you should add another year.

Mr. PRATT. That may be or it may not. Now, Mr. President, the first amendment which I am instructed by the Committee on Pensions to move is to strike out from line 3 to line 6 of section 1, in the following words:

That the act granting pensions to the surviving soldiers of the war of 1812, approved February 14, 1871, be amended, so as to read as follows.

That is stricken out for two purposes. In the first place, to meet the objection that was made upon a former occasion by the Senator from New York, [Mr. CONKLING,] that legislation of this kind was vicious because of reference to laws which had been repealed in the revision of the statutes; and for another reason, that this provision would entitle those who took under this bill to draw pensions from the 14th of February, 1871, whereas the instructions of the committee to me were to report such amendments as would make the pensions to the surviving soldiers commence from the passage of this bill. Therefore the first motion which I make is to strike out the words in the first section which I have just read.

Mr. WEST. I think before the Senator passes from the subject of the number of pensioners and the amount involved, that the Senate ought to know in distinct and succinct terms what is the amount of money sought to be appropriated by this bill. There is no amount specified in the bill. Now, cannot the Senator divest it of all the verbiage of the difference of classification and tell us distinctly and straightforwardly how much money is involved in the bill?

Mr. PRATT. I can answer the Senator from Louisiana better when this bill has been considered and has been amended. He asks now how much will be taken from the Treasury if the bill should pass in its present form. Of course I cannot anticipate the action of the Senate upon the different provisions in this bill. Therefore I cannot respond to his question.

Mr. WEST. I did not ask the Senator the question as to what amount would be involved in the bill after the Senate should have concluded it; but I ask him now, as he has reported favorably on the bill and advocates it, how much is involved in the bill as it stands?

Mr. PRATT. The Senator has listened I presume, or he ought to have listened, to the estimate of the Commissioner of Pensions. He speaks of me as the advocate of this bill. I am not the advocate of the bill as it stands. I am instructed, on the contrary, by the Committee on Pensions to propose certain amendments, and I propose to submit certain amendments of my own motion. The estimate of the Commissioner of Pensions is that to meet the demands of this bill in its present form, including arrearages, will require something upward of \$15,000,000.

Mr. WEST. Ah! that is the answer.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Senator from Indiana offers an amendment which will be read.



The CHIEF CLERK. It is proposed to strike out in section 1 the following words:

That the act granting pensions to the surviving soldiers of the war of 1812, approved February 14, 1871, be amended so as to read as follows.

Mr. FRELINGHUYSEN. How will the section read when amended? The CHIEF CLERK. The first section will then commence:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, including militia and volunteers, &c.

Mr. FRELINGHUYSEN. Mr. President, no member of this body is disposed to oppose a pension bill; every Senator feels grateful to any one who risked his life in the defense of the country; but it does seem to me that in the closing hours of the session, and after we have been engaged here to-day for twelve hours, to introduce for consideration in the present state of the finances of the country a bill which we are told makes a draft upon the Treasury of more than \$15,000,000 is an act wanting in patriotism. We owe a duty to the country, a duty to its finances, a duty to the Treasury, that should make us hesitate. It may be that in a more prosperous condition of the country, it may be that when our financial condition is improved, this measure or some well-considered measure in this direction may commend itself to Congress. But after we have been here twelve hours to-day, when we have but a day left of the session, when it is utterly impossible to consider a bill of this magnitude as it should be considered, I say that instead of being an act of patriotism, it is an act wanting in patriotism to introduce and force it upon the Senate. Sir, to gain \$15,000,000 into this Treasury the whole nation has been disturbed and we have sent commissioners to Geneva and had an arbitration with England. We had insisted upon it and were ready to go to war to obtain it. But now when everybody in the Senate is worn out, when there is no opportunity of considering this measure, we are forced to take up a bill appropriating \$15,000,000, and I would like to ask my friend from Indiana, after this \$15,000,000 is expended, what will be the annual expenditure for the next five or ten years?

Mr. PRATT. It will depend entirely on the form which this bill takes after it has been considered by the Senate. I cannot answer the Senator from New Jersey.

Mr. FRELINGHUYSEN. I think my friend ought to be able to answer the Senator from New Jersey. It is no satisfaction to me, when I am bound here on my oath to protect the interest of the Treasury of this country, for one who promotes a bill to tell me that after the bill has passed and becomes a law, and when the information can be of no value, then he will be prepared to tell me what will be the draft upon the Treasury! I suppose that it will cost four or five millions a year for the next ten years to fulfill the obligations of this bill.

Mr. PRATT. If the arrears feature of the bill is stricken out, I do not think it will require more than \$3,000,000 a year at the very outside to satisfy the demands of this bill. I may say further that it appears from the letter of the Commissioner that the average age of the surviving soldiers of the war of 1812 is at this time about eighty-one years. Why, Mr. President, it is nearly sixty years since peace was concluded with Great Britain. Peace was made, as the Senate is aware, in December, 1814. Here we are in the year of grace 1874. It will be in December next sixty years since the men who will take the benefit of the provisions of this bill were disbanded. The Senate can judge for itself how rapidly this list will diminish. Why, sir, they are falling now rapidly like leaves in December. The last survivor will not probably live more than ten or fifteen years at the very outside.

Why should we hesitate to do this measure of justice to the survivors of that war, when we consider the liberal legislation in behalf of the revolutionary soldiers? There are Senators here who in 1864 voted to pay so long as he lived to every surviving soldier of the revolutionary war \$100 in addition to the pension he was drawing though he had never been disabled in the service of the country. Why, sir, Congress from time to time has voted seventy-four millions of acres to the soldiers of the country in its different wars. Most of the survivors of the war of 1812 are poor, many of them objects of charity, eighty-one years of age. They can last but a few years at most. Why should we grudge what we so freely gave to the soldiers of the Revolution, ninety-six dollars a year? It is but a pittance to each of them; and as I said before if you cut off the arrears which the House gave to these soldiers and to their widows I think the figure that I named is the very outside amount which will be required to be appropriated for the purpose of paying these survivors and their widows the first year. It will be much less the second, still less the third, diminishing rapidly, until ten years hence probably there will scarcely be a survivor left on the rolls.

Mr. FRELINGHUYSEN. I wish to ask my friend a question, and I ask for information because I do not know. What effect upon the claim of a pensioner under this bill would it have if he has been engaged in a war against the United States since 1812?

Mr. PRATT. The fifth section of this bill restores to the pension-roll all those soldiers of the war of 1812 who were disabled in the service of the country and fighting under its flag, men who are hobbling around on crutches, stretched upon beds of sickness; men who at the time this rebellion occurred were sixty-five or seventy years of age at least, and who could have given no active aid or comfort or assistance to the rebellion; men to whom the nation owed a solemn

debt, each one of whom held a certificate from this Government that it would pay him ninety-six dollars a year, and there was no condition written in that certificate. The act of 1862 did not confiscate that debt. It simply suspended its payment, and for wise and politic reasons. But the pensions which are restored by the fifth section of this bill are in the nature of indemnifications that the country was paying to those men who had lost their health and strength in its service in the war of 1812. That is the class of men whom this bill restores to the pension-roll, not simply men who had served in that war, but men who had been disabled, broken down in that war and rendered incapable of earning their subsistence. Does any gentleman who listens to me refuse to resume payment now nine years since the war has concluded? I have heard a great deal of patriotic talk in this Hall against repudiation; but, Mr. President, can you conceive a more shameful act of repudiation than for the nation to refuse to pay pensions to these men who were injured in its service and fighting under the flag of the country, whose pension certificates were as I said before simply in the nature of indemnity that the nation agreed to pay them for their losses of health and strength?

Mr. FRELINGHUYSEN. Will my friend be good enough to answer my question?

Mr. PRATT. I did not understand the question.

Mr. FRELINGHUYSEN. I asked what effect this bill had—and I asked for information, for I did not know—upon the pension of those who had engaged in war against the country.

Mr. PRATT. Mr. President, the acts affected by this section were leveled against those who had given aid and comfort to the rebellion.

Mr. FRELINGHUYSEN. Which section is it?

Mr. PRATT. The fifth section. I will read it:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 against Great Britain—

And the bill might have added "pensioned because of disability incurred in service rendered to their country," because that was the fact. No one else was admitted to the pension-roll—

and whose names were stricken from the rolls in pursuance of the act entitled "An act," &c.

I have before me the two acts under which payments were stopped to these soldiers. The act of February 4, 1862, reads as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to strike from the pension-rolls the names of all such persons as have or may hereafter take up arms against the Government of the United States, or—

Mark the alternative—

or who have in any manner encouraged the rebels or manifested a sympathy with their cause.

If a man living right in the heart of secession, in South Carolina, manifested any degree of sympathy whatever with the cause of the rebellion his name was at once stricken from the roll under the provisions of this act. Although he may have been a paralytic, though he may have been stretched on a bed of sickness, though he was going about on crutches and could render the rebellion no service at all, yet this law struck his name from the pension-rolls. The joint resolution of March 2, 1867, simply prohibited "payment by any Government officer to any person not known to have been opposed to the rebellion." I believe now I have answered the Senator from New Jersey.

Mr. FRELINGHUYSEN. Then I understand the question to be this: For sixty years this Government has not felt the great obligation which seems, near twelve o'clock at midnight on the last day but one of the session of Congress, to propose to take \$15,000,000 out of the Treasury at a time when we cannot consider it. For these sixty years this Government has suffered that claim to rest until now comes a provision that those are to be paid who have taken up arms against the Government of the United States; for this act by its very terms repeals the act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the United States or who have in any manner encouraged the rebels. That is the act that is repealed.

Mr. President, I do not say, I do not mean to commit myself one way or the other on that point, that a state of circumstances may not possibly exist which would authorize the repeal of that act; but I do mean to say that this is no time, at this hour, at this period of the session, to consider an act of that character. It ought to have the calm and careful deliberation of the Senate. It ought to be made known to the country. If we are going to vote away \$15,000,000 or \$16,000,000, or as I make it it out \$20,000,000, for that letter reported that a deduction of from \$4,000,000 to \$5,000,000 was made for fifteen thousand who it was thought would not present claims—if we are going to make such an appropriation in the present state of our finances and relieve those who took up arms against the Government and pay a large part of it to them, we ought to do it deliberately, we ought to do it at a time when the country can be heard from. I do not think that it is a patriotic mode of manifesting our patriotism.

Mr. SAULSBURY. Mr. President, I may be wanting in patriotism; but I came here this evening in order that I might assist to do justice to a class of men who before a large number of the members of this Senate had a being were fighting the battles of the country and upholding its honor against a foreign foe. Patriotism is something undefined; what the Senator from New Jersey may call patriotism

might not be regarded as patriotism by others; but if there is any act which a Senator on this floor can perform which is patriotic, it is that of rewarding the men who fought the battles of this country and helped to maintain its honor and dignity when that honor and dignity were threatened by a foreign enemy. I do not think the declaration is justifiable that it is wanting in patriotism in Senators to avow their readiness to do justice to the men, the youngest of whom is now at least seventy-five years of age, who in 1812 enlisted in the service of the country and who have been postponed from time to time. Now in their last days when there is an effort made to do justice to them, when a Senator on this floor rises up and denounces that as unpatriotic, I must say that I think such language is unbecoming at least in this Senate. If it is unpatriotic, then for one I glory in being unpatriotic. I am willing to reward the men who before I had an existence fought the battles of this country, and I am much more willing to reward those than I am younger men near my own age. Sir, they are now destitute, they are helpless, they are unable to provide for themselves; and in their old age, in their infirmity, when we know the value of their services to the country, I take issue with the Senator and I say it is unpatriotic not to reward them.

If we postpone placing these soldiers on the pension-list a few years longer, the last of them will have passed away. I suppose the Senator from New Jersey desires a postponement of this question; but I think that to-night is the time; I do not care whether it is near twelve o'clock or whether it is one o'clock or five o'clock in the morning. I came here to vote for this bill, and I am ready to stay here until seven o'clock in the morning in order to accomplish it. I hope the friends of this bill will not suffer themselves to be defeated in their undertaking, but that they will stand by it and that they will restore to the pension-list every man who was struck off because of his supposed sympathy with secession. I want to see these men restored back. I want to see the last marks of distinction between loyal and disloyal men wiped out. The time has come when we should have nothing of that feeling. A continual keeping up of this agitation about loyal and disloyal men is doing more harm to this country to-day than a little. I heard a speech no later than yesterday in this Senate in which the terms "rebel" and "traitor" and so forth were used. That kind of language, in my opinion, is calculated to keep up ill-feeling in the country. We should do everything to blot out the remembrance of the late war, that we may become once more a united people, united not only under a common Government, but in common sympathies, in common feelings, having but one destiny, and feeling a common pride in our own great country.

Mr. FLANAGAN. Mr. President, I feel anxious to add a few remarks in direct harmony with those that have been presented so ably by my distinguished friend from Delaware. I indorse his sentiments throughout. It is time that this great question should be buried. What are the evidences here? Recently we have mourned the death of distinguished generals who had achieved valiant actions upon many battle-fields in the recent unfortunate struggle alluded to by him. Their actions were meritorious. I never sympathized with that rebellion in the first degree at any moment of my life. Previous to it, when I saw it was upon us as the little cloud that was to be seen in the heavens, I warned my fellow-citizens against it. But all those things I am gratified to know have passed away; and now when one of the distinguished generals who served in that war dies, a pension is voted almost instantly to the widow. I vote for such bills every day. Now I am gratified to have an opportunity to vote for the widows of the soldiers of 1812 who so nobly fought for and delivered his country from the perils that were upon it. I want to place them side by side; that brings the old and new together in harmony.

Sir, it is the proper period for us to forgive those who were once stricken from the pension-rolls because they happened to live in the rebellious portions of this Union, that, unfortunately as I conceive, endeavored to dissolve the best Government that civilized man has ever been blessed with. I forgive them. Why should I not? In this I am consistent with the action of the Senate in other matters. Am I not? Now, when a southerner asks for relief from his political disabilities, no man in the Senate withholds it. If he only asks for it it is accorded to him with all manner of cheerfulness. How can you relieve him from his disabilities and then, acting consistently and in line, refuse the little pittance which he asks from the Government as a pension? You cannot do it. Then you must replace him where he originally was. How is it as to confiscated property? You are placing everybody in *statu quo* just as far as you are possibly able to do so; you are giving equity; you are giving justice; you are giving them perhaps more than they deserve. I think they were wrong, but I have the magnanimity I trust, on this occasion, as I have invariably had to accord to them the same honesty of purpose that I claim. I have no hesitation in saying thousands of them believed they were correct. I never did believe they were. But now that question is buried and we must do justice to them, and in doing justice to them we certainly will protect ourselves.

It is said this will cost millions. I know not what it may foot up; but properly has that been answered by the distinguished Senator who has the bill in charge. It will depend evidently upon the amendments that may be made. But I do not beg that question; I am not in the habit of doing so. Whenever I am for a measure I am for it, and when I am opposed to it I am as plainly situated. I care not what the millions may be. It is a principle I am looking to. I think

this is a debt meritoriously due, and the money cannot be better appropriated. Nay, sir, in the river and harbor bill or any other bill that is before the Congress of the United States there can be no appropriation that has more merit in it in my humble opinion than this. I confess I am anxious to get an opportunity to record my vote in behalf of the old soldier and in behalf of his widow. My distinguished friend from New Jersey says that the time may come for this. We heard that expressed many, many years ago. We read of a "convenient season;" but we are admonished that it never came; nor will it come for this matter if the bill is now postponed. There are those who are dying off to-night, as I am speaking here in all probability, who should have been protected at an earlier day; and I do not wish to postpone; I want to relieve them at the earliest period.

It is objected further that this is an inopportune time, that this bill cannot be properly investigated now. Well, it is very evident that every Senator here knows the importunity, the mighty struggle that my friend, the chairman of the Committee on Pensions, made the other day. He made a gigantic charge upon the Senate, admonishing them of the injustice they were doing, and that he would keep this bill before them and upon them from time to time, and if it has not been considered by the Senators it seems to me that they might say that which I surely would not say of them, that they had been a little remiss.

This is a great question they say now. If so, it ought to have had their attention. It has had mine; it has had my sympathies; I am all anxiety to record my vote in behalf of it, and I do second the motion of the Senator from Delaware, and hope that the Senators in favor of the passage of this bill will not be governed by the hands that we see moving on yonder clock steadily, but that they will sit here till the bill is passed. I am one of the oldest, perhaps the oldest here, but on this occasion I feel buoyant like a boy. I will sit here as long as any Senator will remain in this great and just cause.

Mr. WEST. Mr. President, I do not rise to participate in the discussion of the patriotic sentiments connected with this bill; but I think when the Senate of the United States proposes to be liberal to whoever may deserve their liberality, they ought to understand whether they have the means under their control belonging to the people in the hands of the Government of the United States to exercise that liberality with. I regret that the chairman of the Committee on Finance is not here to give something like a comprehensive statement of the financial condition of this country at the present moment. I have made since this debate opened and since I was startled by the magnitude of the figures presented by the Senator from Indiana a rough estimate of the financial situation of this country for the coming year, and I wish to call the attention of Senators now to the fact that my conclusions, however imperfect they may be, point directly to the fact that whatever amount you appropriate in this bill you are going to be short in your finances; whatever amount you appropriate in this bill you must issue bonds of the United States to meet; and I ask the other side of the House, who are mostly in favor of this bill, whether they propose to indulge in liberality at the expense of a further increase of the public debt? Now let us see these figures.

The Secretary of the Treasury in his estimate laid before us at the opening of this session of Congress points us to the fact that the total estimated revenues of this country for the coming fiscal year will be \$305,700,000, and the estimated expenditures of the Government for the same period are \$319,191,000. There is a deficiency of nearly \$14,000,000 in the fiscal budget of this country for the coming year, not comprehending the countless and innumerable appropriations that have been made here by special bills.

The Committee on Appropriations have sat here, and in scrutinizing the bills that have been submitted to them they have been actuated by a desire to reduce the appropriations to the lowest possible limit, and by commendable economy we probably can offer a budget to the country that will bring us about even. That is as near as I can understand the figures, although many of the bills have not been completed at the present time.

Mr. THURMAN. I should like to inquire of the chairman of the committee, who has this bill in charge, whether he wishes us to sit it out or not? We have been in session now for twelve and a half hours with the exception of a brief recess. Whether or not we shall make any greater progress by sitting this bill out to-night, being completely exhausted to-morrow and unable to do any serious work, is a very questionable thing with me.

I make this inquiry certainly in no spirit of hostility to the bill, because I am inclined to favor it; but if we are not to sit it out we had better adjourn, I think, at once. If we are to sit it out, we had better know what we are to do, so that we may govern ourselves accordingly. We ought to know whether we are to sit it out or not, and I would be glad therefore to know what the Senator wishes, whether he wishes us to sit it out or not.

Mr. PRATT. I will state there are important amendments to be offered.

Mr. THURMAN. If we adjourn now this bill will be the unfinished business, will it not, Mr. President?

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) It will.

Mr. PRATT. I shall interpose no objection to the adjournment proposed.

Mr. THURMAN. I will not make the motion against the wishes of the chairman. If the chairman wishes to sit the bill out I will



sit it out with him, but if he has no objection I suggest that we had better adjourn.

Mr. PRATT. I have no objection.

Mr. THURMAN. Then I move that the Senate adjourn.

Mr. LEWIS. I hope the Senate will not adjourn. We shall never get another chance to vote for this bill if we adjourn now.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn.

Mr. COOPER and Mr. DAVIS called for the yeas and nays; and they were ordered.

The yeas and nays were taken.

Mr. SPENCER. On this question I am paired with the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote "yea," and I should vote "nay."

Mr. HAMILTON, of Maryland. On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] He would vote "yea," and I should vote "nay."

Mr. RANSOM. I desire to state that on this bill the Senator from Wisconsin [Mr. CARPENTER] and the Senator from Delaware [Mr. BAYARD] are paired. Mr. BAYARD would vote for the bill, and Mr. CARPENTER against it.

Mr. SPENCER. I desire to make a statement in reference to myself and the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote against the bill, and I would vote for it.

Mr. ANTHONY. I hope the vote will be announced, and we can have these explanations to-morrow morning.

The result was announced—yeas 27, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Conover, Ferry of Michigan, Frelinghuysen, Hager, Hamlin, Hitchcock, Jones, McCree, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Thurman, Washburn, West, Windom, and Wright—27.

NAYS—Messrs. Alcorn, Bogy, Cooper, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hamilton of Texas, Johnston, Kelly, Lewis, Merrimon, Norwood, Patterson, Ransom, Robertson, Saulsbury, Stevenson, and Tipton—21.

ABSENT—Messrs. Bayard, Brownlow, Buckingham, Cameron, Carpenter, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Harvey, Howe, Ingalls, Logan, Mitchell, Morton, Schurz, Sherman, Spencer Sprague, Stewart, Stockton, and Wadleigh—25.

So the motion was agreed to; and (at eleven o'clock and thirty-five minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, June 19, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of yesterday.

Mr. HOLMAN. I move that the further reading of the Journal be dispensed with.

The motion was agreed to.

### REPORT ON TRANSPORTATION.

Mr. DONNAN, from the Committee on Printing, submitted the following concurrent resolution; which was read, considered, and agreed to:

*Resolved by the House of Representatives, (the Senate concurring.)* That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

### REPORT OF COMMISSIONER OF EDUCATION.

Mr. DONNAN also, from the same committee, reported the following resolution; which was read, considered, and agreed to:

*Resolved by the House of Representatives, (the Senate concurring.)* That there shall be printed twenty thousand copies of the report of the Commissioner of Education, five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

### REPORT ON FISH AND FISHERIES.

Mr. DONNAN also, from the same committee, reported the following concurrent resolution of the Senate; which was read, considered, and concurred in:

*Resolved, (the House of Representatives concurring.)* That Spencer F. Baird, United States Commissioner of Fish and Fisheries, be authorized to have the engravings for his report executed under the direction of the Joint Committee on Public Printing.

### STATISTICAL ATLAS.

Mr. DONNAN also, from the same committee, reported the following resolution:

*Resolved by the House of Representatives, (the Senate concurring.)* That the three thousand copies of the Statistical Atlas of the United States, based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873, shall be distributed for public and official use as follows: Twenty-five copies for the President; six hundred copies for the Senate; one thousand two hundred copies for the House of Representatives; two hundred and twenty-five copies for the State Department, and for transmission to United States legations and the more important consulates abroad, and to the legations of foreign governments in Washington; seventy-five copies for the Treasury Department; forty copies for the War Department; twenty-five copies for the Navy Department; twenty-five copies for the Department of Justice; twenty-five copies for the Department of Agriculture; six hundred copies

for the Department of the Interior for its use and distribution among the executives of the several States, State libraries, and libraries and literary institutions; sixty copies for the Library of Congress, and one hundred copies for Francis A. Walker.

Mr. DONNAN. I will state to the House that the printing of this document was ordered by the last Congress but no provision was made for its distribution.

The resolution was agreed to.

### REPORT ON MINING STATISTICS.

Mr. DONNAN, from the Committee on Printing, reported the following concurrent resolution:

*Resolved by the House of Representatives, (the Senate concurring.)* That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House of Representatives, two thousand for the Senate, one thousand copies for the Treasury Department, and one thousand copies for the commissioner.

Mr. HOLMAN. It seems to me that we are running into a very unusual expense to the Treasury for these plates. I think I have not known for many years the publication of so many plates as are now recommended by the Committee on Printing. It will be attended with a great deal of expense.

Mr. DONNAN. This was recommended by the committee two or three months ago, and was in the hands of one of my colleagues on the committee to be reported. He is absent and I have reported it.

Mr. HOLMAN. Unless we are to adopt some mode of distributing these documents to the country which will be more certain than by this mode, I do not think we should adopt this resolution.

Mr. DONNAN. It is the usual publication, and two thousand less copies.

Mr. HOLMAN. I think we are going into a great expense. The resolution was adopted.

### PRINTING OF DEBATES.

Mr. DONNAN, from the Committee on Printing, reported a joint resolution (H. R. No. 112) in regard to printing the debates of Congress.

The resolution upon which the committee acted was as follows:

*Resolved,* That the Committee on Printing be, and they are hereby, directed to inquire into the cost of reporting and printing the debates of Congress, as the work is now being done; whether it was not more acceptably and economically done by the proprietors of the Globe; whether the permanent establishment of the work at the Government Printing Office will not involve large expenditures for facilities for its prosecution, and to report by bill or otherwise at as early a day as practicable.

The joint resolution accompanying the report was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congressional Printer be, and he is hereby, directed to keep a separate and exact account in detail of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, including specific statements of the cost of all machinery and material which may have been or shall be used for the publication of said RECORD, commencing with its first publication at the Government Printing Office, and that he shall publish the amounts thus yearly expended in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office.

Mr. DONNAN. I desire briefly to call the attention of the House to the conclusions of the committee. In regard to the reporting of the debates, the system of which has been changed, and which until the very recent action of the two Houses materially reduced the expense, it has by the action of the two Houses within the last ten days been so arranged as to make the cost of reporting precisely what it was for the last Congress. In regard to the expense of printing and binding the debates the committee come to the conclusion that the printing of the debates of the present Congress at the Government Printing Office will cost the Government (if the volume of work shall equal that of the last Congress) at least \$125,000 less than was paid to Messrs. Rives & Bailey for the same volume of work for the Forty-second Congress.

The present quarto form of the daily RECORD, although attended with slightly increased cost, is greatly preferable to the newspaper form.

Upon a calculation of comparative cost, upon an equal quality of paper, as between the Government Printing-Office and the Globe office, the proposal for the work of Messrs. Rives & Bailey is to be increased in the sum of \$24,727.55 for 10,014 pages of printed matter and 12,332 copies.

The proposal of Rives & Bailey, so far as it relates to the binding, if they furnish equal quality of material with that now used, is \$6,116 cheaper (the volume of the work being as stated above) for the debates of a full Congress than the binding is now being done at the Government Office.

The cost of the debates of the present Congress, the number being now fixed at 10,350 copies, if the work makes 10,014 pages, will cost \$213,508.49, which is less than it would cost under the proposed contract of Rives & Bailey, making proportionate allowances on the cost of paper and the loss at the Government Office on binding, and counting the entire stereotyping a real loss to the Government, in the sum of \$61,182.06.

The probable expenditure for facilities to continue this work at the Government Printing Office will be comparatively trifling.

It would be the reverse of economy to enter into the proposed contract with Rives & Bailey.

The expenditure for this work ought to be kept separate and dis-

inct from other Government printing, and so definitely and minutely reported that Congress may be able to readily know what this work is costing; and the committee therefore recommend the passage of the joint resolution which has just been read.

I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN. I move to reconsider the various votes upon the reports from the Committee on Printing; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### REPORTS FROM COMMITTEES.

The SPEAKER. The Chair desires to make a suggestion in regard to the business of the House. The Committee on War Claims desire to make sundry reports, adverse and favorable, upon matters which have been referred to them, for the purpose of having the same referred to the Committee of the Whole and placed on the Private Calendar. If that shall be done to-day it will be almost impossible for the clerk to journalize them. The former custom was for committees on the last day of the session to make their reports to the House, to be journalized as of the last day of the session and correctly entered on the Private Calendar for the next session. The Chair suggests that it would be well to adopt that plan now. If the mass of papers in possession of the committees shall be reported to-day, it will be impossible to correctly journalize them as of to-day. But the proceedings of the last day of the session are journalized with great care and the Private Calendar made up with corresponding care. It will lead to much more certain correctness of the Journal if that plan should be followed with regard to committees making reports this session.

Mr. SENNER. There is no intention to pass upon these claims at this period of the session.

Mr. LAWRENCE. We do not propose to pass upon them.

Mr. SENNER. Of course; all you want is to advertise the conclusions of the committees.

The SPEAKER. It will be impossible to journalize them properly if made now.

Mr. LAWRENCE. There are not so many reports but what the clerks can make up the Journal.

The SPEAKER. The Calendar would not be printed.

Mr. LAWRENCE. Then I will ask unanimous consent now that on the last day of the session I may be permitted to make these reports.

The SPEAKER. Of course it is the right of a committee, not of individuals, to report for reference to the Private Calendar. If there be no objection, on the last day of the session any committee of the House having had a subject before them will be permitted to report upon that subject, favorably or adversely, for reference to the Private Calendar, their reports to be filed at the Clerk's desk for that purpose.

Mr. HARRISON. I object.

Mr. MONROE. I move that the rules be suspended in order that such leave may be given to the committees of the House.

The motion to suspend the rules was seconded; upon a division, ayes 105, noes not counted; and (two-thirds voting in favor thereof) the rules were suspended and the order made.

#### PERSONAL EXPLANATION.

Mr. FIELD. Mr. Speaker, yesterday, in moving to suspend the rules for the purpose of putting on its passage the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union, I stated that the bill was reported from the Committee on Education and Labor with the recommendation that it do pass, whereupon the gentleman from Pennsylvania [Mr. STORM] arose and denied that I was authorized to report the bill from that committee. Without commenting upon the remarks of the gentleman and the lack of courtesy exhibited by him on that occasion, I send to the desk an extract from the records of the committee furnished to me by its clerk, which will show on what authority I acted yesterday in asking the House to suspend the rules and pass that bill as a report from the Committee on Education and Labor.

The Clerk read as follows:

[Extract from minutes of Committee on Education and Labor.]

H. R. No. 3521, to incorporate the National Iron-molders' Union.

1874, June 3.—Mr. FIELD called up the bill and moved that the committee report it favorably to the House. Mr. McDILL seconded the motion. The motion was declared carried. Mr. STORM voted nay, and said that he reserved his right to oppose the bill in the House.

E. B. WIGHT, Clerk.

Mr. STORM. I desire to say that I am informed this morning by an honorable gentleman of the committee that though the entry just read was made, the clerk, Mr. Wight, who made the entry has said that the bill was merely directed to be reported in order to get rid of the importunity of the gentleman from Michigan [Mr. FIELD] who was very desirous of passing the bill. That is what I understand the clerk says this morning.

The SPEAKER. The Chair has again to remark that he has never before known disputes to arise so frequently as at this session in regard to what has been done in committees. Such disputes are very

unseemly things to occur in the House. They involve questions of veracity between gentlemen, the most delicate of all questions ever brought before the House. In this case the Chair begs to state that the gentleman from Michigan [Mr. FIELD] is sustained by the records of the committee.

Mr. MAYNARD. As a member of the Committee on Rules, I wish to ask whether it is not contrary to the rules and out of order to make any reference on the floor to what transpires in a committee?

The SPEAKER. It is; but any member of a committee has a right to make the point upon another member that he is not authorized to present a report; because if a member makes a report he is not authorized to make he is committing a very censurable act; and the Chair thinks that any gentleman who questions lightly the authority of another to make a report commits an act not wholly within parliamentary propriety.

Mr. G. F. HOAR. As to the point raised by the gentleman from Tennessee, [Mr. MAYNARD,] the report of a committee is itself a statement that the committee have authorized that report to be made, and to that extent it is a statement of what has transpired in the committee.

The SPEAKER. That is a matter of necessity.

Mr. MAYNARD. I had reference to the discussion, &c., occurring in a committee room.

The SPEAKER. It is not within parliamentary propriety to refer to such things in the House.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, House bills of the following titles:

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, or political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

A bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same; and

A bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities.

The message also announced that the Senate had concurred in the amendments of the House to bills of the following titles:

A bill (S. No. 176) to encourage the establishment of public marine schools; and

A bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

The message further announced that the Senate had passed House joint resolution and bill of the following titles, with amendments in which the concurrence of the House was requested:

Joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau; and

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

#### SALE OF ARSENAL GROUNDS AT SAINT LOUIS, MISSOURI.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 3759) amendatory of the act providing for the sale of the arsenal grounds at Saint Louis, Missouri, and for other purposes, approved March 3, 1869; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### PATENT LAWS.

Mr. E. R. HOAR, by unanimous consent, introduced a bill (H. R. No. 3760) amendatory of the patent laws; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

#### PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MACDOUGALL. I move to suspend the rules and pass a bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York.

The bill, which was read, directs the Secretary of the Treasury to report to Congress at the beginning of the next session whether the present needs of the Government require the erection of a public building at Auburn, New York, and the estimated cost of the same, including the site.

Mr. HOLMAN. I trust we will not enter upon the work of constructing any more public buildings.

Mr. MACDOUGALL. This simply authorizes the Secretary of the Treasury to make an estimate.

Mr. HOLMAN. That is the first step toward the construction of the building.

The question recurred on the motion to suspend the rules.

The House divided; and there were—ayes 27, noes 25.

Mr. NEGLEY demanded tellers.



Tellers were ordered; and Mr. NEGLEY and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 81, noes 40. So the motion to suspend the rules was seconded.

Mr. KILLINGER. I demand the yeas and nays on the motion to suspend the rules, as it seems that we are going to have a great many like propositions.

Mr. HOLMAN. Let us first try a division.

Mr. KILLINGER. Very well.

The House divided; and there were—ayes 35, noes 67.

Mr. MACDOUGALL demanded tellers.

Tellers were ordered; and Mr. MACDOUGALL and Mr. KILLINGER were appointed.

The House again divided; and the tellers reported—ayes 103, nays 30.

Mr. KILLINGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 151, nays 67, not voting 71; as follows:

YEAS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Banning, Barnum, Barry, Bass, Bell, Blount, Bowen, Bradley, Bright, Bromberg, Bufinton, Burleigh, Cain, Caldwell, Amos Clark, jr., John B. Clark, jr., Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Danford, Darrall, Davis, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Glover, Gooch, Hagans, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John W. Hazelton, Hendee, Hereford, Hodges, Hoskins, Houghton, Hubbell, Hutton, Hyde, Hynes, Jewett, Kendall, Knapp, Lamar, Lamison, Lamport, Lawson, Leach, Lofland, Lowndes, Lynch, Maynard, James W. McDill, MacDougall, Merriam, Milliken, Mills, Moore, Morey, Negley, Nesmith, Niblack, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pelham, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Rainey, Rapier, Read, Rice, Richmond, Robbins, Ellis H. Roberts, Rusk, Sawyer, John G. Schumaker, Sener, Sheets, Sheldon, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Standiford, St. John, Stone, Strait, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—151.

NAYS—Messrs. Barber, Barrere, Beck, Berry, Biery, Bland, Brown, Bundy, Burchard, Burrows, Cannon, Cessna, Clements, Curtis, Dawes, Field, Foster, Garfield, Giddings, Hamilton, Hancock, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, George F. Hoar, Holman, Hunter, Hurlbut, Kasson, Kelley, Killinger, Lawrence, Lowe, Magee, Marshall, Martin, McCrary, McKunkin, McLean, McNulta, Monroe, Morrison, Neal, Orth, Hosea W. Parker, Pendleton, Pike, Randall, James W. Robinson, Ross, Henry B. Saylor, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Strawbridge, Todd, Townsend, Tyner, Waldron, Charles W. Willard, James Wilson, and Woodworth—67.

NOT VOTING—Messrs. Adams, Albright, Atkins, Begole, Buckner, Benjamin F. Butler, Roderick R. Butler, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Frye, Gunckel, Gunter, Eugene Hale, Robert S. Hale, Harmer, Havens, Hays, Herndon, Hersey, E. Rockwood Hoar, Hooper, Howe, Kellogg, Lansing, Lewis, Longbridge, Luttrell, Alexander S. McDill, McKee, Mitchell, Myers, Niles, Nunn, O'Brien, Packer, Phillips, Poland, Ransier, Ray, William R. Roberts, James C. Robinson, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, William A. Smith, Stephens, Storm, Stowell, Swann, Taylor, Charles R. Thomas, Waddell, Wilber, Jeremiah M. Wilson, and Woodford—71.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

#### PUBLIC BUILDING, ATLANTA, GEORGIA.

Mr. WHITELEY. I move to suspend the rules so that my colleague from the third district of Georgia [Mr. Cook] may introduce and the House may pass a bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. GARFIELD. I hope the House will take a recess for thirty minutes.

Mr. STARKWEATHER. I move to go to the business on the Speaker's table.

The SPEAKER. There is a motion pending for that purpose.

Mr. MAYNARD. Why does the gentleman from Ohio move to take a recess for thirty minutes?

Mr. GARFIELD. To prevent if I can the passage of bills for the construction of any more public buildings.

Mr. POLAND. My object yesterday in offering the proposition I did was to try to get something satisfactory to all parties. I had the usual fate, and without satisfying anybody have subjected myself to misconception. I now withdraw my proposition.

Mr. GARFIELD. I hope we will be allowed to call up the amendments of the Senate to the post-office appropriation bill.

Mr. STARKWEATHER. I move to suspend the rules and go to the business upon the Speaker's table.

The SPEAKER. The gentleman from Georgia has the floor on a motion to suspend the rules.

Mr. WHITELEY. I move to suspend the rules so that my colleague may introduce and the House may pass a bill to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. CONGER. There are important reports to be made from committees, and I hope an opportunity will be afforded to do so at this time.

Mr. WHITELEY. I insist on my motion to suspend the rules.

The SPEAKER. The bill will be read.

The bill was read. It provides that the act named in the title be so amended that the sum authorized to be expended in the construc-

tion of the building be fixed at \$250,000; and that no sum in excess thereof shall be expended upon said building.

Mr. KILLINGER. Is that the same bill we voted on yesterday?

The SPEAKER. It is.

Mr. HOLMAN. I move the House take a recess for an hour.

Mr. GARFIELD. I move the House adjourn, and on that demand the yeas and nays. I believe it to be my duty to prevent, as far as I can, the passage of bills for the construction of any more public buildings during this session of Congress.

The SPEAKER. The same motion which will adjourn will refuse to second the motion to suspend the rules. It is the carelessness of gentlemen in regard to seconding a motion to suspend the rules which precipitates a good deal of the trouble in getting to the public business. The rules give to the majority the right by a vote, not by yeas and nays, to refuse a second.

Mr. ELLIS H. ROBERTS. This proposition is very different from the last. The last simply called upon the Secretary of the Treasury for information. This is a proposition to increase the appropriation heretofore authorized.

Mr. SPEER. I object to debate. One is in Georgia, the other is in New York.

The question being taken on seconding the motion to suspend the rules, there were—ayes 48, noes 56; no quorum voting.

Tellers were ordered under the rules; and Mr. Cook and Mr. Scofield were appointed.

The House again divided; and the tellers reported ayes 108, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

Mr. KILLINGER. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 35, a sufficient number.

So the yeas and nays were ordered.

The question was taken, and there were—yeas 157, nays 56, not voting 76; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Barnum, Barry, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Field, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Howe, Hubbell, Hutton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamison, Lansing, Leach, Lofland, Luttrell, Marshall, Martin, Maynard, MacDougall, McKunkin, McKee, McLean, Milliken, Moore, Morey, Morrison, Neal, Nesmith, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Pike, James H. Platt, jr., Potter, Purman, Randall, Read, Rice, Richmond, Robbins, James C. Robinson, Rusk, Sawyer, John G. Schumaker, Sener, Sessions, Sheets, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, Snyder, Southard, Speer, Stanard, Standiford, St. John, Stone, Storm, Stowell, Strait, Strawbridge, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—157.

NAYS—Messrs. Barrere, Biery, Bradley, Bufinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cessna, Curtis, Danford, Duell, Foster, Garfield, Gunckel, John B. Hawley, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hunter, Killinger, Lawrence, Lawson, Longbridge, Lynch, Merriam, Monroe, Orth, Packard, Packer, Pendleton, Thomas C. Platt, Pratt, Ray, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Saylor, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Sprague, Todd, Townsend, Tyner, Waldron, Marcus L. Ward, Charles W. Willard, James Wilson, and Woodworth—56.

NOT VOTING—Messrs. Albert, Banning, Barber, Bass, Begole, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, Davis, Dawes, DeWitt, Eden, Elliott, Farwell, Fort, Freeman, Eugene Hale, Robert S. Hale, Harmer, Gerry W. Hazelton, Hersey, Lamport, Lewis, Lowe, Lowndes, McCrary, Alexander S. McDill, James W. McDill, McNulta, Mills, Mitchell, Myers, Negley, Niles, Nunn, Orr, Parsons, Phelps, Phillips, Pierce, Poland, Rainey, Ransier, Rapier, William R. Roberts, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, George L. Smith, William A. Smith, Starkweather, Stephens, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, Wheeler, White, Wilber, William Williams, Jeremiah M. Wilson, and Woodford—76.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I rise to report back from the Committee on Appropriations the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, with the Senate amendments and the recommendations of the Committee on Appropriations thereon. But I yield for a few moments to the gentleman from Massachusetts, [Mr. HOOPER.]

WATCH PRESENTED BY GENERAL WASHINGTON TO MARQUIS DE LA FAYETTE.

Mr. HOOPER. I ask unanimous consent to introduce a joint resolution making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

The joint resolution was read. It appropriates the sum of \$300, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington, and lost by General La Fayette during his last visit

to this country, such purchase and restoration to be made under the direction of the Speaker of the House of Representatives.

The SPEAKER. The Chair suggests to the gentleman from Massachusetts that before the resolution is voted upon it might be well to change it so as to place the matter under the charge of the Secretary of State instead of the House of Representatives. The Chair thinks that as a matter of propriety that would be better.

Mr. GARFIELD. I think that would be rather more appropriate.

Mr. MAYNARD. I desire to say a word or two on the resolution.

Mr. NIBLACK. If the gentleman from Massachusetts [Mr. HOOPER] has any explanation to make I think he ought to be heard.

The SPEAKER. Is there objection to modifying the joint resolution by substituting "Secretary of State" for "Speaker of the House of Representatives?"

There was no objection, and the joint resolution was modified accordingly.

Mr. HOOPER. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

#### AN INTERESTING RELIC.

John R. Ward, esq., of Texas, has in his possession an interesting relic of the times of the Revolution. It is a watch bearing the inscription, "G. Washington, to Gilbert Mottiers de La Fayette, Lord Cornwallis capitulation, Yorktown, October 17, 1781." The watch is of the shape known as "bull's eye," which was the fashionable one at that period, and is heavily double-cased with gold of high purity. The exterior case is ornamented with classic devices in high relief; an armed and helmeted warrior presents a crown to a throned female. The watch bears the name of the maker, "E. Halifax, London, 1769." It is in a good state of preservation, runs, and, with treatment after the manner of Captain Cuttle, keeps excellent time. It was purchased by Mr. Ward at a pawn-broker's sale in Louisville, about four years ago, for the sum of seventy-five dollars, who retains it subject to the order of any of the descendants of its illustrious donee. According to the statement of General Rogers, of Tennessee, who was commander of the body-guard of General La Fayette during his visit to Nashville in 1825, this watch was stolen from its owner at that time and its fate was unknown, although a large reward was offered for its return, until it turned up in the way above described.

Mr. MAYNARD. The statement just made is historically true. General La Fayette visited this country not long before he died, if I remember rightly, in the years 1824 and 1825. In the course of his journey through the country he went to Nashville, where this watch, which had been presented to him by General Washington and which he seems to have worn as a pocket time-piece, disappeared and undoubtedly was stolen. Great efforts were made to recover it, and if I remember rightly large rewards were offered. The people of Nashville felt mortified and humiliated that such an occurrence should have happened in their community; but the watch disappeared and was forgotten until some time since, when it found its way into a pawnbroker's establishment in the city of Louisville, Kentucky. I have this to say in behalf of the people of Tennessee: that if the matter had been brought to the attention of the Legislature of that State I am very sure they would have desired, so far as they could, to have made an appropriation in order to recover this watch and restore it to the family of La Fayette. But as this bill has been brought in here it becomes a matter of national interest rather than of local interest.

Mr. GARFIELD. There is only one question about this joint resolution that should cause any hesitation in voting for it; but I think it due to all concerned to make the inquiry whether this watch is genuine? Of course if it is genuine such a resolution as this ought to be passed; but everybody knows that there are frequent pretenses of antiquity in works of art and in matters of this description. I understand that the gentleman from Massachusetts has had this matter examined by experts at the Treasury Department and elsewhere, and he tells me that some of those experts have raised a question as to its genuineness.

Mr. G. F. HOAR. One of the experts raised a question as to its genuineness because the word "Motier" is spelled with two "t's" and a final "s;" but I say with all deference that it is well known that General Washington himself was not a very exact speller, and the engraver no doubt followed his spelling. I understand that this watch has been submitted to experts in the Treasury Department, and that they have examined it, and report that in their judgment it is genuine.

Mr. GARFIELD. If the only argument against the genuineness of the watch is the spelling of the inscription I admit that is not very strong, for it is well known that Washington did not excel in spelling. Even Franklin, who was his superior in scholarship, spelled very irregularly; for example, he spelled soap "sope."

No objection being made, the joint resolution (H. R. No. 113) received its several readings and was passed.

#### UNIVERSITY FOR THE BLIND.

On motion of Mr. MONROE, by unanimous consent, the Committee on Education and Labor was discharged from the further consideration of the memorial in favor of aiding the American Printing House and University for the Blind; and the same was referred to the Committee on the District of Columbia.

On the motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the memorial of the board of regents of the American University, &c., for the Blind, setting forth the needs of the blind as to means of improvement and the obligation of Congress to aid in providing facilities for liberal education as has been done for deaf-mutes; and the same was referred to the Committee on Education and Labor.

#### FAYETTE HUNGERFORD.

On motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the petition for relief in the case of Fayette Hungerford; and leave was granted for the withdrawal from the files of the House of the papers in said case.

#### NELSON TIFFANY.

Mr. YOUNG, of Georgia. I ask unanimous consent to report from the Committee on Military Affairs the bill (H. R. No. 447) for the relief of Nelson Tiffany. I would state that it is the unanimous report of the committee, and I would not trouble the House with it but for the fact that it is to remove a charge of desertion from a soldier who, as I am told by the gentleman from Massachusetts, [Mr. G. F. HOAR,] is now upon his death-bed.

The bill was read. It directs the Secretary of War to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and to grant to said Tiffany an honorable discharge.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### COMPULSORY PILOTAGE.

Mr. E. R. HOAR, by unanimous consent, presented resolutions of the Legislature of the Commonwealth of Massachusetts relative to compulsory pilotage at Hell Gate; which were referred to the Committee on Commerce, and ordered to be printed.

#### UNITED STATES CUSTOM-HOUSE AT LOUISVILLE, KENTUCKY.

Mr. MILLIKEN. I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, and that the same be passed.

The bill was read. The preamble recites that the strip of ground thereafter described is indispensable to the preservation of the United States custom-house, to prevent destruction by fire, and to prevent obstruction of the lights and ventilation thereof in one of its most important fronts.

The bill empowers and directs the Secretary of the Treasury to purchase from the owner or owners thereof, at a price not to exceed \$12,500, all that certain piece of ground in the city of Louisville, county of Jefferson, and State of Kentucky, situate west of and adjoining the United States custom-house, fronting twenty-five feet on Green street, and extending back one hundred and fifty feet, parallel with and the same depth as the custom-house property; and for that purpose the sum of \$12,500, or so much thereof as shall be necessary, is thereby appropriated, out of any money in the Treasury not otherwise appropriated; provided, however, that no part of the money thereby appropriated shall be paid or expended until a clear, perfect, and absolute title in fee-simple to the ground shall have been secured and conveyed to the United States by a good and sufficient deed of general warranty.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### EAST TENNESSEE UNIVERSITY.

Mr. MAYNARD. I ask consent that the Committee of the Whole be discharged from the further consideration of Senate bill No. 110, for the relief of the East Tennessee University, and that the same be now passed. It is a bill which has been reported favorably from the Committee on War Claims.

The bill directs the Treasurer of the United States to pay to the president of the East Tennessee University the sum of \$18,500 in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion; provided that before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with a receipt of the money appropriated by the bill.

Mr. HOLMAN. I hope there will be some explanation of this bill.

Mr. MAYNARD. If I can be permitted to do so, I will make a brief statement.

Mr. HOLMAN. I hope the gentleman will explain why the form of the bill has been changed from what it was last session.

Mr. MAYNARD. A bill for this purpose was passed by the last Congress. A bill for a similar purpose has three times received the approval of the Senate. The first time it was too late to be acted upon by the House. In the last Congress it was passed by the two Houses and vetoed by the President. The veto was not upon the merits of the bill but upon the form of the bill. Upon examining the claim the President held it was one which would meet his approval, and indicated by his Private Secretary a form of bill which to his mind would be unobjectionable. That form was adopted by the Senate, which passed the bill, and the Committee on War Claims of this House have reported it favorably. That claim arises out of the use and occupation of the property of the university after it came within the Federal lines for hospital and military purposes. The money to restore the property to its former condition was borrowed



by the university, and they are now paying interest on it at the rate of 10 per cent. per annum.

Mr. ATKINS. I would inquire if the Committee on War Claims of this House have not reported upon this bill favorably?

Mr. MAYNARD. I have so stated.

Mr. KELLOGG. Certainly, they have.

Mr. HOLMAN. I would like to hear the report read, if there is one.

Mr. LAWRENCE. I should like to say a word or two about this matter.

Mr. MAYNARD. I will not consume the further time of the House by discussion of this bill. If there is objection made I will move that the rules be suspended and the bill passed.

Mr. HOLMAN. I hope the gentleman from Tennessee [Mr. MAYNARD] will have the letter read showing why the form of the bill has been changed.

Mr. KELLOGG. I desire to say that the only objection to the old bill was that it might be made a precedent for other claims. The Committee on War Claims thought this bill ought to pass.

Mr. HOLMAN. As the bill formerly passed it was for spoliation and damage done to the property; in that form it was vetoed. Now the bill is changed so as to appropriate money for aid furnished by the university to the Government of the United States.

The history of this claim against the Government is remarkable. At the last session of Congress it passed in the following words:

An act for the relief of the East Tennessee University.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the trustees of the East Tennessee University the sum of \$18,500, in full compensation for all claims which could be made by said university for all damages caused to its buildings at Knoxville, Tennessee: *Provided,* That before said sum shall be paid a release in full of all claims against the Government for all damages that might or could be claimed by said East Tennessee University on account of said buildings, shall be executed in due form by the proper officers of said university, and deposited with the Treasurer along with the receipt for the money hereby appropriated.

J. G. BLAINE,

*Speaker of the House of Representatives.*

SCHUYLER COLFAX,

*Vice-President of the United States, and President of the Senate.*

I certify that this act did originate in the Senate.

GEO. C. GORHAM,  
*Secretary.*

The President returned the bill with the following veto message:

*To the Senate of the United States:*

I have the honor to return herewith Senate bill No. 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which \$18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding \$25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury cannot be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted; and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part, by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy, and the most favorable consideration of their claims by the Government, I would heartily favor a donation, of the amount appropriated by this bill, for their relief.

U. S. GRANT.

EXECUTIVE MANSION,  
January 29, 1873.

Among the papers that came with this bill from the Senate are the following:

EXECUTIVE MANSION,  
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University.

I am, sir, your obedient servant,

O. E. BABCOCK,  
*Secretary.*

Hon. HORACE MAYNARD,  
*House of Representatives.*

A bill for the relief of the East Tennessee University.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of \$18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided,* That before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form, by the proper officers thereof, and deposited with the Treasurer along with the receipt of the money hereby appropriated.

By the one bill this university is to be paid \$18,500 "for all damages caused to its buildings at Knoxville, Tennessee," by the Army of the United States; and by the bill now pending \$18,500 "for aid given by and on behalf of said university to the Army of the United States." And this change in the form of the bill is to change the result, the one subject to the veto and the other entitled to approval. And yet the real thing remains unchanged. Can it be possible that the mere change in phraseology of the bill can affect the quality of this claim against the Government?

Mr. KELLOGG. It is all right.

Mr. HOLMAN. The bill upon its face ought to express truly what the appropriation is for.

The SPEAKER. Does the gentleman object to the request that the bill be now passed?

Mr. HOLMAN. I do.

Mr. MAYNARD. I move to suspend the rules and pass the bill.

The motion to suspend the rules was seconded; and the rules were suspended upon a division, ayes 114, noes not counted, (two-thirds voting in favor thereof,) and the bill was passed.

Mr. MAYNARD. I will ask that the communication to which I referred, together with the form of bill therein recommended, be printed in the RECORD as a portion of the debates.

No objection was made, and it was so ordered.

[The communication and form of bill were as follows:

EXECUTIVE MANSION,  
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University:

I am, sir, your obedient servant,

O. E. BABCOCK,  
*Secretary.*

Hon. HORACE MAYNARD,  
*House of Representatives.*

[Inclosure.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of \$18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided,* That before said sum shall be paid, a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with the receipt of the money hereby appropriated.)

EASTERN OR NORTH CAROLINA CHEROKEES.

Mr. VANCE. I ask consent that the Committee of the Whole be discharged from the further consideration of a bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, and that the same be now passed.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,500, or so much thereof as may be necessary, on account of expenses incurred by Silas H. Swetland, as special agent to settle with the Eastern or North Carolina Cherokees, in the year 1869, amounts to be found due to the following-named persons, to wit: Samuel W. Davidson, Henry Smith, N. J. Smith, J. D. Abbott, M. C. King, John Gray Bynum, and to others whose claims may be filed and verified.

Mr. HAWLEY, of Illinois. Does that bill come from any committee?

Mr. VANCE. It comes from the Committee on Indian Affairs, and is also recommended by the Secretary of the Interior.

Mr. GARFIELD. Is it the unanimous report of the committee?

Mr. VANCE. It is.

Mr. GARFIELD. How much money is there in it?

Mr. VANCE. There is not over \$4,500; it is all right and correct.

No objection was made, and the Committee of the Whole was discharged from its further consideration, and the bill was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSEND. I desire to have a joint resolution passed.

Mr. TYNER. I give notice that after the joint resolution of the gentleman from Pennsylvania [Mr. TOWNSEND] shall have been disposed of, I will not yield to any person except to the gentleman from Connecticut [Mr. STARKWEATHER] to move to proceed to business on the Speaker's table.

LOWER PIER, CHESTER, PENNSYLVANIA.

Mr. TOWNSEND. I ask unanimous consent that the rules be suspended to pass the joint resolution (H. R. No. 108) in regard to the lower pier at Chester, Pennsylvania.

The joint resolution was read. It instructs the Secretary of War to have an examination made of the lower pier at Chester, Pennsylvania, by a competent engineer, with a view to ascertain whether it would be to the advantage of the Government to have said pier adapted to the purposes of supplying Government vessels with coal, iron, and other general supplies, and to have made an estimate of the probable cost of such adaptation, and to report the result of such examination to Congress.

There being no objection, the rules were suspended, and the joint resolution was passed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana [Mr. TYNER] who is now on the floor to report the Senate amendments to the post-office appropriation bill yields to the gentleman from Connecticut [Mr. STARKWEATHER] who desires to make an arrangement to dispose of business on the Speaker's table.

Mr. STARKWEATHER. We have tried, and could not go to the Speaker's table, making any exception, to dispose of bills by a ma-

majority vote. I now move that we go to the Speaker's table unconditionally, and that a two-thirds vote be required to pass any bill.

The SPEAKER. The gentleman from Connecticut [Mr. STARKWEATHER] asks that bills on the Speaker's table may be taken up *seriatim* under the two-thirds rule, each bill being exactly on the same basis as every other bill.

Mr. STARKWEATHER. Either to be passed or to remain on the Speaker's table.

Mr. POTTER. Will the Chair please state the effect of this proposition?

The SPEAKER. The effect of it would be that no bill could be disposed of except by a two-thirds vote.

Mr. POTTER. And any bill failing to obtain such a vote would remain on the table?

The SPEAKER. Yes, sir. Is there any objection to proceeding to dispose of bills on the Speaker's table *seriatim* under that arrangement?

Mr. HOLMAN. I trust it will be understood that if a bill be not sustained by a two-thirds vote it shall be regarded as rejected.

The SPEAKER. Failing to obtain a two-thirds vote any bill would naturally retain the status out of which it failed to be taken by a two-thirds vote.

Mr. HOLMAN. But if a bill does not receive a majority vote, it should be regarded as rejected.

The SPEAKER. The gentleman will observe that his proposition would not be either parliamentary or just. The proposition is to take up bills *seriatim*; and any bill not disposed of by two-thirds would be left without prejudice just where it now is, on the Speaker's table.

Mr. HOLMAN. My point is that there are some bills on the Speaker's table which it is very desirable to dispose of finally at this session of Congress. But I see the embarrassment in the way of carrying out my proposition.

The SPEAKER. The gentleman from Indiana would not propose that a minority of the House should have power to reject a bill.

Mr. HOLMAN. Not a minority but a majority. I suggested that if a bill did not receive a majority vote, it should be regarded as rejected.

The SPEAKER. That would be a complicated arrangement.

Mr. RAINEY. I hope that will not be agreed to. It is unjust.

The SPEAKER. The proposition as submitted puts every bill on precisely the same basis.

Mr. POTTER. I understand the present proposition is to consider the bills on the Speaker's table *seriatim*, subject to the rules of the House.

The SPEAKER. That is the proposition. If the House makes no arrangement to go to the Speaker's table the Speaker will necessarily be compelled still to decline to recognize individual members desiring to take bills from the Speaker's table, because he cannot exercise a favoritism in that regard.

Mr. AVERILL. Does this proposition admit of any discussion on these bills?

The SPEAKER. The motion as now submitted would not admit of discussion, although some provision of that kind might be attached to it.

Mr. GARFIELD. I think the better course is to go to the Speaker's table in the ordinary way.

Mr. WILSON, of Iowa. If two-thirds of the House desire to go to the Speaker's table they can do so, and then a majority vote can pass any bill. [Cries of "No!" "No!"] I understand what I am talking about. I say that if two-thirds of the House desire to go to business on the Speaker's table they can do so, and then a majority can pass any bill. But under the proposition of the gentleman from Connecticut [Mr. STARKWEATHER] every bill taken up will fail unless it can obtain a two-thirds vote.

The SPEAKER. The gentleman will observe that no bill has been taken from the Speaker's table out of its order since the last ten days of the session began.

Mr. WILSON, of Iowa. I understand that.

The SPEAKER. The Chair has declined to recognize any gentleman to move to take any particular bill from the Speaker's table, and he will so decline until the end of the session, unless the House shall direct him in what manner to proceed.

Mr. WILSON, of Iowa. But two-thirds can go to the Speaker's table to dispose of the business there.

The SPEAKER. Certainly; and if the gentleman from Connecticut will yield that issue can be tried.

Mr. WILSON, of Iowa. I make that motion.

The SPEAKER. The gentleman from Iowa moves that the rules be suspended and that the House proceed to dispose of business on the Speaker's table. This, of course, will leave every bill subject to be disposed of by a majority vote of the House.

Mr. KASSON. I wish to make a parliamentary inquiry.

The SPEAKER. The proposition of the gentleman from Iowa is that the rules be suspended and the House proceed to the business upon the Speaker's table.

Mr. KASSON. The parliamentary inquiry I wish to make is this: If the House should reach the Speaker's table will a single objection to a bill involving an appropriation carry that bill under the rules to the Committee of the Whole on the state of the Union to have its first consideration?

The SPEAKER. It will.

Mr. ELDREDGE. When we get to the Speaker's table under a suspension of the rules, can any bill be passed by a majority vote of the House?

The SPEAKER. It can, unless subjected to the point of order stated by the gentleman from Iowa [Mr. KASSON] that it involves an appropriation and must under the rules have its first consideration in Committee of the Whole.

Mr. POTTER. If the present motion be voted down, will not the motion of the gentleman from Connecticut [Mr. STARKWEATHER] then be in order?

The SPEAKER. It will.

Mr. GARFIELD. I hope the House will allow the amendments of the Senate to the post-office appropriation bill to be first acted on.

Mr. KILLINGER. These amendments are excepted by the present motion.

The question recurred on seconding the motion to suspend the rules. Tellers were ordered; and Mr. WILSON, of Iowa, and Mr. POTTER were appointed.

Mr. CONGER. As this is a test question, I hope we will have the yeas and nays.

The SPEAKER. The rules do not permit the yeas and nays on seconding the motion to suspend the rules.

The House divided; and the tellers reported—yeas 108, noes 100.

So the motion to suspend the rules was seconded.

Mr. WILLARD, of Vermont. I demand the yeas and nays on the motion to suspend the rules.

Mr. AVERILL. Will all the bills lying on the Speaker's table be liable to the ordinary points of order?

The SPEAKER. They will.

The yeas and nays were ordered.

Mr. LYNCH. If this motion should be decided in the affirmative, and a point of order should be made against any bill when reached upon the Speaker's table, would not a motion to suspend the rules and pass the bill be in order?

The SPEAKER. It would.

Mr. LYNCH. That removes one objection.

The question was taken; and there were—yeas 139, nays 111, not voting 39; as follows:

YEAS—Messrs. Albert, Barber, Barrere, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cassina, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Field, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, Maynard, McCrary, James W. McMill, MacDougall, McKee, Merriam, Monroe, Moore, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Small, Smart, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, St. John, Stowell, Sypher, Todd, Townsend, Tremaine, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—139.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Danford, Davis, Dannel, Durham, Eldredge, Fort, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Houghton, Hunton, Hyde, Jewett, Kendall, Killinger, Knapp, Lamar, Lamson, Leach, Leland, Lowndes, Luttrell, Magee, Marshall, Martin, McJunkin, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Purman, Randall, Ray, Read, Robbins, James C. Robinson, Milton Saylor, Sener, Sloss, A. Herr Smith, J. Ambler Smith, Snyder, Southard, Spear, Stanard, Standiford, Stone, Storm, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Freeman Clarke, Clayton, Clinton L. Cobb, DeWitt, Eden, Elliott, Farwell, Freeman, Hagans, Robert S. Hale, Harmer, Havana, Hersey, Lewis, Alexander S. McMill, McNulta, Mitchell, Morey, Myers, Isaac C. Parker, Phillips, Pratt, William R. Roberts, John G. Schumaker, Henry J. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, George L. Smith, William A. Smith, Stephens, Swann, Taylor, Charles R. Thomas, Waddell, Wheeler, Wilber, and Jeremiah M. Wilson—39.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the motion was not agreed to.

During the roll-call,

Mr. PARKER, of Missouri, stated he was paired with Mr. WADDELL, of North Carolina.

The vote was then announced as above recorded.

Mr. STARKWEATHER. I now renew my motion that the House proceed to the business upon the Speaker's table and take up the bills *seriatim* under the two-thirds rule.

The SPEAKER. The failure in that event to second the demand for a suspension of the rules will of course leave the bill upon the Speaker's table.

Mr. MAYNARD. Will it not be the fairest way to take up first those bills which will not be objected to?

The SPEAKER. The gentleman from Tennessee suggests before the House proceeds to take the bills on the Speaker's table by a two-thirds vote that the bills be run through to which there is no objection.



Mr. COX. Can bills be referred under that order?

The SPEAKER. By a two-thirds vote.

Mr. STARKWEATHER. We ran through the unanimous consents the other day.

The SPEAKER. But since then a great many bills have gone upon the Speaker's table. Will the House now proceed to the business upon the Speaker's table and take up the bills *seriatim* under a two-thirds vote?

Mr. KASSON. If there be no objection, I suggest there be allowed five minutes' time to any member who wishes to oppose a bill.

The SPEAKER. It would take three weeks to go through the business on the Speaker's table in that way.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the order was made.

The SPEAKER. The order will continue until the bills on the Speaker's table are exhausted.

#### PERSONAL EXPLANATION.

Mr. BURROWS. I ask unanimous consent to make a personal explanation, which will not occupy more than a single minute.

There was no objection.

Mr. BURROWS. Last Tuesday, when the gentleman from Massachusetts [Mr. DAWES] moved to go to the Speaker's table to dispose of business thereon with the exception of the civil-rights bill, I took occasion to inquire why he excepted that bill. In doing so I had no purpose to question the gentleman's friendship for the bill or to intimate that he was hostile to it. The position of the honorable gentleman is too well known to the House and the country to justify any such supposition. I did him no such injustice.

#### BUSINESS ON THE SPEAKER'S TABLE.

The SPEAKER. Pursuant to order the House proceeds to consider business on the Speaker's table. The Chair will first dispose of the executive communications on the table.

#### GENERAL ORDER NO. 32, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, referring to the resolution of the House of April 13, 1874, to examine and report as to General Order No. 32, War Department, Adjutant-General's Office, of March 15, 1873; which was referred to the Committee on the Judiciary, and ordered to be printed.

#### EXTENSION OF CHESAPEAKE AND OHIO CANAL.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, in answer to a resolution of the House of January 9, 1874, in relation to the extension of the Chesapeake and Ohio Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

#### BARRACKS AT ALCATRAS ISLAND, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation to build permanent barracks at Alcatraz Island, California; which was referred to the Committee on Appropriations, and ordered to be printed.

#### HURT COURT-MARTIAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting additional papers in connection with the Hurt court-martial; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### COST OF LIEUTENANT G. M. WHEELER'S EXPEDITION OF 1873.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the cost to the Government of Lieutenant G. M. Wheeler's expedition of 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

#### GOVERNMENT BUILDINGS AT YUMA DEPOT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to number and dimensions of Government buildings at Yuma depot and their liability to damage from freshets in the Colorado River; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### MURDER OF LIEUTENANT EBEN WHITE.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, giving circumstances of the murder of Lieutenant Eben White by John H. and Webster Sothoron; which was referred to the Committee on War Claims, and ordered to be printed.

#### NOLAND, TOPP, VANCE, ET AL.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claim of Noland, Topp, Vance, and others for cotton taken from them; which was referred to the Committee on War Claims, and ordered to be printed.

#### PAWTUCKET RIVER, RHODE ISLAND.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a report upon the past improvement and present condition of the Pawtucket River, Rhode Island; which was referred to the Committee on Commerce, and ordered to be printed.

#### IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the improvement of the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

#### MILITARY TELEGRAPH IN ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the extension of military telegraph line in Arizona Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### MILITARY RESERVATION AT FORT WILKINS, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the military reservation at Fort Wilkins, Michigan; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a resolution directing that there be printed of the report of the Superintendent of the Coast Survey, for the year 1873, three thousand extra copies for the use of the Superintendent of the Coast Survey; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed, without amendment, to the concurrent resolution of the House of Representatives for the printing of two thousand five hundred copies in quarto, uniform with the series, of Professor Hayden's final report on the Cretaceous Flora of the West.

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the concurrent resolution of the House for the printing of the special report of Edward Young, Chief of the Bureau of Statistics, with the appendixes.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 3309) granting to the Nevada Narrow-gauge Railroad Company the right of way through the public lands for a railroad.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office New York, to the assistant treasurer at New York, with an amendment, in which the concurrence of the House was requested.

#### MEXICAN VOLUNTEERS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to House bill No. 1157 to provide for the payment of certain volunteer companies in the service of the United States in the war with Mexico and in the suppression of Indian disturbances in New Mexico; which was referred to the Committee on Military Affairs.

#### GEORGE A. MILLER AND GEORGE L. MAHONEY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the claim of George A. Miller, late lieutenant Twelfth Tennessee Cavalry, for pay for services and for horse, &c., lost; and also the claim of George L. Mahoney for pay as first lieutenant Company C, Sixth Tennessee Volunteers; which was referred to the Committee on Military Affairs.

#### PROCEEDINGS OF A MILITARY BOARD.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the proceedings of a board of officers convened at Camp Douglas, Utah Territory, to investigate and report on losses by fire for which Second Lieutenant Wallace Mott, Eighth Infantry, and assistant commissary of subsistence, was responsible; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### LIEUTENANT-COLONEL B. T. ROBERTS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the retirement of Lieutenant-Colonel B. T. Roberts, Third United States Cavalry; which was referred to the Committee on Military Affairs.

#### ARMY MUTUAL SURVIVORSHIP ANNUITY SOCIETY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the formation of the Army Mutual Survivorship Annuity Society; which was referred to the Committee on Military Affairs.

#### DAKOTA INDIAN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the report of Inspector-General James A. Hardie, United States Army, on the subject of the Dakota Indian war claims of 1862; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### INDIAN DEPREDACTIONS.

The SPEAKER also laid before the House communications from the acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claims of F. Z. Salomon & Co., John

Richards, Albino Ortega, Franklin Cook, administrator of the estate of John Cook, deceased, Frederick Weddle, M. Yrisani, John Watts, and Franz and Charles Huning, for Indian depredations; which were referred to the Committee on Indian Affairs.

#### HOT SPRINGS RESERVATION, ARKANSAS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior in answer to the resolution of the House of June 4, 1874, in relation to the Hot Springs reservation, Arkansas; which was referred to the Committee on the Public Lands, and ordered to be printed.

#### MATTHEW RESERVATION, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting estimates of appropriations to meet deficiencies on account of the Indian service at the Matthew reservation, Oregon, for the year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

#### CHARLES OLIVIER CLOSET.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of June 22, 1860, a report upon the claim of Charles Olivier Closet to a certain tract of land in the State of Louisiana; which was referred to the Committee on Private Land Claims.

#### NEW JAIL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to an additional appropriation to complete in a substantial manner the new jail authorized to be constructed in and for the District of Columbia by the act of January 1, 1872; which was referred to the Committee on the District of Columbia.

#### B. SOULE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the register and receiver of the land office at New Orleans, Louisiana, upon the claim of B. Soule to a certain tract of land in said State; which was referred to the Committee on Private Land Claims.

#### PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, a report of the surveyor-general of New Mexico upon private land claim No. 91; which was referred to the Committee on Private Land Claims, and ordered to be printed.

#### WILLIAM S. STEPHENS.

The SPEAKER also laid before the House a communication from the chief clerk of the War Department in relation to the claim of William S. Stephens for compensation for losses sustained on a contract for furnishing haversacks; which was referred to the Committee on Claims.

#### SPECIAL REPORT ON IMMIGRATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting one from the Chief of the Bureau of Statistics in relation to printing in the Swedish language his special report on immigration; which was referred to the Committee on Commerce, and ordered to be printed.

#### REFUNDS AT SAN FRANCISCO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of January 4, 1874, transmitting a detailed statement of refunds made at the port of San Francisco, which had not been received at the date of such resolution; which was referred to the Committee on Ways and Means, and ordered to be printed.

#### RECONNAISSANCE OF NORTHWESTERN WYOMING.

The SPEAKER also laid before the House a report on the reconnaissance of Northwestern Wyoming made in the summer of 1873 by William A. Jones, captain of engineers, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### WILLIAM F. KING.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the draught of a bill to authorize the issue of clothing to Sergeant-major William F. King, Twenty-fifth Infantry; which was referred to the Committee on Military Affairs.

#### AMBROSE J. CLARKE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of June 6, 1874, in relation to Ambrose J. Clarke, late paymaster United States Navy at Brooklyn, New York; which was referred to the Committee on Naval Affairs.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 526) for the relief of James De Long;

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2694) for the relief of Benjamin W. Reynolds;

An act (H. R. No. 2898) for the relief of J. W. R. Wing, of New Bedford, Massachusetts;

An act (H. R. No. 3166) to correct the date of commission of certain officers of the Army;

An act (H. R. No. 3171) to amend the customs revenue laws and to repeal moieties; and

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 176) to encourage the establishment of public marine schools.

An act (S. No. 311) for the relief of Joseph Montanari; and

An act (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell.

#### ARMY PENSION DEFICIENCY.

The SPEAKER laid before the House a communication just received from the Acting Secretary of the Interior, transmitting a letter of the Commissioner of Pensions, representing the necessity for a deficiency appropriation of \$200,000 for the payment of Army pensions during the current fiscal year.

Mr. GARFIELD. Would it be in order to move to refer that communication to the committee of conference on the disagreeing votes of the two Houses upon the deficiency appropriation bill?

The SPEAKER. The Chair does not know why it would not be.

Mr. GARFIELD. I make that motion. I wish to inquire whether this will give the conference committee jurisdiction, if there should be no amendment pending between the two Houses touching any such subject?

The SPEAKER. In the opinion of the Chair it would, if it is an actual, legal deficiency; in that case the bill by its title would cover this subject.

Mr. HOLMAN. I submit that the committee of conference would have no jurisdiction, unless this matter should be germane to some amendment made by the Senate.

The SPEAKER. The deficiency bill embraces all items of public service in which there may occur a legitimate deficiency. The Chair therefore thinks that this matter would be within the jurisdiction of the conference committee. At all events the communication may be referred; and that point if necessary can be brought up afterward.

The motion of Mr. GARFIELD was agreed to.

#### POLITICAL DISTURBANCES IN ARKANSAS.

Mr. TYNER. I yield for a moment to the gentleman from Vermont [Mr. POLAND] on the condition that the proposition he is about to submit shall not consume time.

Mr. POLAND. I have been directed by the select committee on the condition of affairs in Arkansas to report back certain testimony taken on that subject, and also to submit the following resolution:

*Resolved*, That the select committee of the House appointed under a resolution adopted May 27, 1874, to inquire into the disturbed condition of governmental affairs in the State of Arkansas, be continued during the recess of Congress, with the same powers conferred by the resolution under which said committee was appointed.

The question being taken on agreeing to the resolution, there were—ayes 51, noes 52; no quorum voting.

Mr. ELDRIDGE. I call for the yeas and nays.

Mr. TYNER. I yielded to the gentleman from Vermont with the understanding that this proposition should not take time.

Mr. POLAND. That was the understanding, and I withdraw the resolution for the present.

The SPEAKER. It can come up immediately after the post-office appropriation bill is disposed of.

#### POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the House now proceed to the consideration of the amendments of the Senate to the bill making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, and that they be considered in the House under the five-minute rule.

The motion was agreed to.

The first amendment was read, as follows:

In the proviso relating to employment of letter-carriers strike out "twenty thousand" and insert "thirty thousand;" so that the paragraph will read as follows:

For pay of letter-carriers, \$1,900,000: *Provided*, That hereafter letter-carriers shall not be employed for the free delivery of mail matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than thirty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.



The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The second amendment was read, as follows:

Add to the paragraph in regard to the pay and employment of letter carriers the following:

And for the more efficient management of the free-delivery system, the Postmaster-General may designate a fourth-class clerk to act as superintendent of free delivery in the Post-Office Department at an annual salary of \$2,500; and for this purpose the sum of \$700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The Committee on Appropriations recommended concurrence.

Mr. HOLMAN. On concurring in this amendment I ask for a division. It makes an increase of salary.

The question being taken, the amendment was non-concurred in; there being ayes 25, noes not counted.

The third amendment was read, as follows:

Strike out the words "running out of the District of Columbia" and insert the words "in Virginia and Maryland;" so that the paragraph will read as follows:

For advertising, \$80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fourth amendment was read, as follows:

Strike out the words "and no" and insert "nor any;" so as to make the paragraph read as follows:

For stamped envelopes and wrappers, \$535,424: *Provided*, That hereafter no envelope, as furnished by the Government, shall contain any lithographing and engraving, nor any printing except a printed request to return the letter to the writer.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fifth amendment was read, as follows:

In the paragraph appropriating for miscellaneous items \$2,500, strike out the following proviso:

*Provided*, That the monthly and annual reports of the Department of Agriculture shall pass free through the mails.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The sixth amendment was read, as follows:

Insert the following as a new paragraph:

For the purchase of law-books for the library of the office of the Assistant Attorney-General of the Post-Office Department, \$2,000.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The seventh amendment was read, as follows:

Insert the following as a new section:

That the revised statutes of the United States shall not be published by the United States in any newspaper, anything in existing laws to the contrary notwithstanding.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The eighth amendment was read, as follows:

Insert as a new section, the following:

SEC. 5. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, four cents for each pound or fraction thereof: *Provided*, That the rate of postage on newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment, to make the section read as follows:

SEC. 5. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, issued weekly and more frequently than once a week, one cent and five mills for each pound or fraction thereof; and on those issued less frequently than once a week three cents for each pound or fraction thereof: *Provided*, That the rate of postage on transient newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces, sent to other than regular subscribers or news agents shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

Mr. KASSON. It seems to me there is an error in the insertion of the word "transient" before the word "newspapers" if the proviso relates exclusively to papers, &c., sent for delivery by letter-carriers within the delivery of that office. The intention of the clause, I presume, is to subject such papers, whether transient or continuous, to the payment of one cent, because delivered by letter-carriers. I think, therefore, the word "transient" is an error.

Mr. TYNER. I think the gentleman from Iowa [Mr. KASSON] is mistaken. The first part of this section provides for the rate of postage on newspapers, which rate is of course to be prepaid. After fixing the rate of postage the proviso then goes on and declares that newspapers or periodicals not exceeding a certain weight shall go through the mails at a certain rate. The proviso, unless there is some qualifying term, will change the rate of postage fixed in the first part of the section.

The purpose evidently of the Senate was to provide the law as it now exists should be continued, and in order to avoid any mis-

take or misapprehension as to the first part of the section the Senate evidently intended to make a different rate of postage, or rather intended to continue the present rate of postage on transient matter. To make that purpose clear the Committee on Appropriations thought it necessary to insert the word "transient" before the word "newspapers." If the gentleman from Iowa will turn to the first part of the section he will see that it provides for sending newspapers and periodicals and publications mailed from a known office of publication or news agency and addressed to regular subscribers or news agents. That does not apply to outsiders, but only to subscribers or news agents. Without some such proposition as we have inserted the publisher or news dealer may send his transient mail-matter all over the country at the rate fixed in the first part of the section, and therefore the proviso changes the rate upon transient newspapers or periodicals from the rate fixed in the first part when the same is deposited in a letter-carrier office for delivery.

Mr. KASSON. I think what the gentleman from Indiana says implies that provision should be put somewhere, but the word "transient" where it is put relates exclusively to those newspapers or periodicals deposited in letter-carrier offices for delivery by the office or its carriers. Consequently if the word "transient" is left where it is it would leave these newspapers and periodicals to be sent within the local delivery subject to a postage, which it is not the intention of this committee to allow. I suggest that should be considered in the conference. Suppose instead of being transient the publishing office or news agent in New York chooses to send through the local office every day by the letter-carriers, then it would imply if they were regular issues and not transient they should come under the previous rate per pound, which it is not the intention to do, as I understand.

Mr. TYNER. Inasmuch as this can be determined more correctly by the conference, I have no objection to striking out the word "transient," where it is proposed to be put before "newspapers," and also in the latter part to strike out "sent to others than regular subscribers or news agents," and let the vote be taken on the balance of the section.

Mr. HAWLEY, of Connecticut. What does the gentleman now propose to do? I should like to understand it.

Mr. TYNER. I propose to strike out the word "transient" before the word "newspapers," and also to strike out the words "sent to others than regular subscribers or news agents" after the word "ounces" in line 11. That will leave the proviso precisely as it came from the Senate.

Mr. HAWLEY, of Connecticut. A newspaper published in a town which has a letter-carrier office would be obliged to pay three cents for postage, whereas if it went over to the next town in the same county it would go free.

Mr. TYNER. The gentleman will see by turning to section 7 it is there provided that newspapers, one copy to each actual subscriber residing within the county where the same are printed in whole or in part and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The provision to which the gentleman has called my attention simply requires the prepayment of postage where there is letter-carrier delivery of newspapers or periodicals.

Mr. HAWLEY, of Connecticut. Do you provide the daily newspapers shall go through the mails free?

Mr. TYNER. Not at all; but we propose, if the publisher of a daily paper shall send copies of his publication to subscribers to be delivered by letter-carriers, then postage shall be paid on them. But if the publisher of a daily paper shall send his paper through the post-office alone to a subscriber in the county, then this bill provides it shall go free. We only propose to charge postage to cover the service of the letter-carrier system.

Mr. HAWLEY, of Connecticut. Do you propose that it shall go free in a city where the letter-carrier system is established?

Mr. TYNER. Provided it is delivered at the post-office but not by the letter-carriers. The gentleman from Connecticut would not ask the passage of a law to load down the letter-carriers with daily papers to go through the mails and be delivered by these letter-carriers free of postage.

Mr. HAWLEY, of Connecticut. I think we are wrong in allowing a single ounce of mail matter to go free anywhere. If you made everybody in the country pay for every service rendered by the Post-Office Department you could reduce the newspaper rates below what they now are. The effect of the law as the House proposes to amend it is to offer the highest kind of protective duties for county weeklies and for county papers. You permit them to go entirely free through the mails and then you turn around and put a heavy burden upon the publishers of papers of more extended circulation and make them pay the expense of delivery of the entire newspaper press of the country. If you take the ground that no matters shall pass through the mails free, and stand upon it, and let all papers pay each in its own county as well as everywhere else—let every man who has an advantage from the Government pay for it—you can then put your rates down to one cent instead of anything going free, you can then reduce postage to the lowest rates possible.

Mr. POTTER. Does this provide for prepayment of postage on the part of newspapers circulating in the counties?

Mr. TYNER. There is no recommendation in regard to that by

the House Committee on Appropriations. The House is now considering the amendments of the Senate to this bill.

I will say, Mr. Speaker, that nearly all the remainder of this bill is simply a copy of certain changes which the House has already passed in the shape of two or three different bills that were reported here by the Committee on the Post-Office and Post-Roads. There are certain changes, however, that have been made by the Senate in which the Committee on Appropriations of this House recommend non-concurrence.

And now let me say a word in reply to the gentleman from Connecticut, [Mr. HAWLEY.] We have come nearly to the plan of requiring prepayment on nearly all classes of mailable matter. It is true that certain newspapers are permitted to go free in the mail in the counties of their publication. But there is so small a proportion of them that get into the mails at all that it may be said that even they do not vary the rule. For instance, the weekly newspaper in the county almost invariably delivers two-thirds or three-fourths of its circulation to its subscribers in the town or city where published. These newspapers are carried by the majority of the publishing houses to the post-office and never go into the mails, but are delivered at the delivery window of the post-office. A very few, a very small percentage, go into the mails and are carried short distances of from one to fifteen miles. That small proportion, I repeat, scarcely changes the rule. So that we have come down almost to the rule requiring everything that enters the mail to pay postage, and to prepay it also.

The daily newspaper stands precisely on the same footing with the weekly newspaper in regard to weekly circulation within the county. And I apprehend that the sober reflection of nearly all gentlemen here will bear me out in saying that this change in the law—a change in the law which has been in existence only for a year past—re-establishing the principle of free circulation within counties, is really right, in order not to impose a tax on the circulation of that class of intelligence which is the most unable to pay it.

Mr. GARFIELD. I desire my colleague, the gentleman from Indiana, to state what amount of increase is made in newspaper postage by the House bill over the present law, and how much by the Senate amendments.

Mr. TYNER. The present law, as the gentleman is aware, provides for a rate of postage on weeklies and semi-weeklies and dailies in proportion to the frequency of their publication. As nearly as the Post-Office Department has been able to reduce it to the cost per pound, this is a reduction, a very considerable reduction upon the postage on newspapers. But the change of providing for a prepayment, thus enabling the Department to collect all its revenues on this matter, has in my judgment, and I make the statement after very considerable reflection about it, reduced the actual cost per pound nearly or about 50 per cent., and will pay an increased postage or revenue to the Post-Office Department to the extent of not less than 300 per cent.

Mr. HOLMAN. I desire to ask my colleague what is the effect of the Senate amendment making the rate four cents per pound?

Mr. TYNER. The effect of that, in my judgment, would be to increase the rates of postage at least 200 per cent., and in some instances more than that, over the proposition heretofore adopted by the House. And another effect in my judgment will grow out of that. If we fix the rate of postage at four cents, so high a rate as that will induce all the publishing offices of the country to resort almost exclusively to the express companies for the delivery of their newspapers on short routes and within short distances, and will also induce them to send their publications through the mail when they have to be carried long distances, the result of which will be in my judgment to cheat the Post-Office Department out of a large proportion of the revenues that it now gets, and to enhance the revenues of the express companies in proportion.

Mr. HAWLEY, of Connecticut. I desire to make another suggestion as to what will be the effect of this Senate amendment, charging four cents a pound, which is a most extraordinary, extravagant, and unreasonable increase of the rate of postage. One other effect would be, as it is of the present law, to throw the whole burden of the postage on the publishers of the newspapers. That is the effect of the law. You say the publisher will get it out of his subscribers. You are by this law to levy—how much? Two million dollars?

Mr. TYNER. It will not amount to that.

Mr. HAWLEY, of Connecticut. You expect an increase—I understand some two million dollars. That is all to come out of four, six, or eight hundred persons in the country—the whole of it. You change the mode of collecting from the subscriber to the newspapers and the men who publish them. And this is a tremendous tax upon a comparatively few people of the country.

Ah, but you say it is like the whisky tax, which does not come out of the distillers, but the drinkers of whisky have to pay it ultimately. You say that the subscribers will have to pay this postage. Not at all. The publishers of newspapers now charge for their papers one or two dollars a year; they cannot charge \$1.08 or \$1.09 so as to cover the postage. I tell you, as a newspaper publisher, that we shall not change our yearly rates at all, but we shall shoulder this enormous burden, ranging from any sum as small as you please up to \$300,000 a year. I think there are newspaper establishments in the country that will

pay \$300,000 a year under this law; and it will be a long time before the matter can be so adjusted that the burden shall be divided between the publisher and the subscriber.

Mr. GARFIELD. I rise to oppose the amendment. I think the House may well devote some time to the consideration of this question in connection with four or five other amendments which follow it. They relate to one of the most important topics connected with our postal affairs that has yet been before Congress. We are here discussing not only the rate of postage on newspapers, but also the rate on merchandise, that question coming in in one of the Senate amendments. It is proposed by the Senate to put up the amount of merchandise that may be carried through the mails to four pounds. At present the amount is only twelve ounces. They propose to make it sixty-four ounces. The Senate proposes, also, to increase the charge for carrying newspapers to three or four times what it now is.

Mr. KASSON. These newspapers, to which the gentleman from Connecticut [Mr. HAWLEY] has alluded, according to my recollection raised their prices during the war to about double what they were before, and they have not since that time reduced the price. That is a point to be considered in connection with the alleged hardship upon newspaper publishers, in case they do not recover the whole amount from their subscribers.

Mr. HAWLEY, of Connecticut. That is a matter with which Congress has nothing to do.

Mr. GARFIELD. I think Congress should ascertain the original and present object of the Post-Office Department. A novel and remarkable proposition was made before the Committee on Appropriations a few weeks ago by an able gentleman who appeared before them in regard to the postal telegraph. He insisted that the object of the Post-Office Department was not to transmit intelligence at all, but to carry packages; that it did not make any difference to the Government what was in the package, but that a sealed package, not above a certain weight should be carried by the Government at a low rate, and that the transmission of intelligence was only an incident resulting from the transmission of a package. I have had occasion, since that gentleman appeared before the committee, to inquire into this question historically to ascertain whether that was the object in the minds of our fathers when they created the Post-Office Department. I have copied the first resolution that I can find under the old Confederacy, and which originated our present Post-Office Department.

I find the first notice of the Post-Office in the Journal of the Confederation May 29, 1775, as follows:

As the present critical situation of the Colonies renders it highly necessary that ways and means should be devised for the speedy and secure conveyance of intelligence from one end of the continent to the other—

*Resolved*, That Mr. Franklin and others be a committee to consider the best means of establishing post for conveying letters and intelligence through this continent.

This, Mr. Speaker, was the corner-stone of our postal system. The report was read July 25, 1775, and agreed to July 26, and B. Franklin was appointed Postmaster-General, and a line of posts was established from Falmouth in Maine to Savannah, with as many cross-posts as the Postmaster-General should think fit.

In 1782 the first ordinance was passed regulating the post-office, with the following preamble: "Whereas the communication of intelligence with regularity and dispatch from one part to another of this United States is essentially requisite to the safety as well as the commercial interest, and the Congress being 'vested with the sole and exclusive right and power of establishing and regulating post-offices throughout the United States;' therefore, &c., the Postmaster-General and his agents, &c., and no other person, 'shall have the receiving, taking up, ordering, dispatching, sending post or with speed, carrying and delivering of any letters, packets, or other dispatches from any place within these United States for hire.'"

Such was the beginning of our postal system, which was organized for the purpose of transmitting intelligence, and not as an express for packages. The transmission of packages was authorized only because the packages contained intelligence.

Now, it is from this stand-point that I approach the question of postage on newspapers. We are met with this argument; we are told, and told truly, that 78 per cent. of all the matter that passes through the mails is newspapers, and that the newspapers paid during the last year a little more than \$1,000,000 of the twenty-nine or thirty millions that were paid as postage, and yet the newspapers furnished over 78 per cent. of the weight of our mails. We could not defend that as a matter of justice, if it was the business of the Post-Office Department to carry packages as an express agency.

Now I take it that the Senate in their amendment have gone over to the express theory of the Post-Office Department. They have enlarged to four pounds the amount of merchandise of any sort that may be sent through the mails, and have raised the price of postage on newspapers to four cents per pound, at least treble the present rate. They have overthrown the theory upon which the post-office was founded, and propose to convert it into an express office. If that theory be the true one, then we ought to charge far more for transporting a newspaper than a letter, because it weighs more. If the theory of charging by weight and distance is to prevail, then as a matter of course the Senate is right, only they ought to have gone



further and made the newspaper pay eight or ten times as much as a letter, in proportion as its weight is greater.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS obtained the floor.

Mr. GARFIELD. I desire to conclude this line of thought.

Mr. ELLIS H. ROBERTS. I will yield my time to the gentleman.

Mr. GARFIELD. I wish to call attention to another thing. In 1841 an attempt was made to readjust our postal system in regard to rates, and to make newspapers pay a larger share comparatively of the expenses of the Post-Office Department than they were then doing. The result of it all was that the rate of letter postage was decreased, while the rate of newspaper postage was kept substantially the same.

I have no doubt that upon the theory which the Senate seem to have adopted they have not gone even far enough. But I contend that the original theory, and the one which we ought to maintain, is that the Post-Office Department was created not for the purpose of revenue, but for the purpose of disseminating intelligence throughout the country. Therefore, where there is intelligence of so public a nature and of such general importance as that in the newspapers we give it the preference, and that is the reason why the newspaper should have the preference over the letter. I send a letter to a friend; it is a matter that concerns only him and me. But the news of the crops, of the business, of the commerce and the trade of the country is a matter that at once concerns millions of people. Therefore, for the public good, for the general welfare, the newspaper ought to be sent at a less cost than the private letter.

I am clear also that the Senate is right in one thing, and that is that the postage on newspapers should be prepaid. I have here the statistics of last year, which I think will be of some service to the House. In 1873 the actual legal charge for postage on newspapers amounted in the aggregate to \$2,718,241. Yet there was collected and paid into the revenues of the Post-Office Department for postage on newspapers only \$1,072,998, a little more than one-third of the legal charge. It is fair to say that substantially only about 30 per cent. of the entire legal charge of carrying the newspapers in the mails was paid. Why? I can give the House an illustration in my own district. I recollect seeing last fall a postmaster in a country office where the revenue of the office was very small; perhaps the fees of the office did not produce a salary of more than \$100 per annum. The man said to me: "I collect a hundred accounts every quarter for postage on newspapers, or four hundred accounts a year, at nine cents each. In other words, I have to open four hundred accounts, each account amounting to only nine cents, and I must collect them. In doing so I have an infinite amount of trouble. A man comes in for his newspaper; he has not the money to pay the quarter's postage, or he cannot make the change, or I cannot make it, and I violate the law and let him have the paper for several weeks without paying the postage. He is a friend of mine; I do not want to make him angry, and finally I pay the postage out of my own pocket." Or, what is true in a great majority of cases, it is never paid, but returned as delinquencies. It is a miserable, trifling, little picayune business. We ought to fix the rate at that which we determine should be fixed, not a high rate; the Senate has fixed too high a rate, but the House has fixed a rate which is really a reduction. We ought to fix that rate, and stand by it, and provide that it shall be prepaid before the newspapers go into the mails.

Mr. HAWLEY, of Connecticut. I hope the gentleman did not understand me as opposing the prepayment of newspaper postage.

Mr. GARFIELD. O, no.

Mr. HAWLEY, of Connecticut. I do not know any one engaged in the business who does not think prepayment a wise and proper rule. And all that the gentleman has said about the annoying character of these little collections is true. But make your rate low, and you will get more money.

Mr. GARFIELD. The House will remember that some months ago we discussed the question of freedom of transmission of newspapers in the counties where published. I expressed my opinion on that subject, and as a result I have been very considerably criticised by those who thought I was attacking the metropolitan press and praising especially the country press. I argued then upon the same principle which Benjamin Franklin laid down when he organized the Post-Office Department, that it was for the diffusion of intelligence and not for revenue that the postal system was established. I said then and I say now, for I am confirmed in my belief, that no greater injustice can be done than to establish a dead-level rate of postage for newspapers in the counties where they are published. In fact, the first law that Franklin introduced made a discrimination based on distance; and I think it is worth while to refer to it here. The first notice of newspapers in our postal laws was in the ordinance of 1792. The service had existed about twenty years before the newspapers were recognized, they being so few in number and of such little weight in comparison with letters. But in 1792, few as newspapers then were in comparison with what they are now, it had become important to recognize them, and an ordinance was passed declaring—

Newspapers shall be carried in a separate bag from letters, and charged one cent for one hundred miles and one and a half cents for a greater distance.

Letters of course were rated much higher.

The newspaper continued to be an inconsiderable feature of the postal-service till about the end of the first quarter of the present century, but about that time the price of paper was greatly reduced, the size of newspapers greatly increased, and complaints were made by the Postmaster-General of the excessive weights of papers in proportion to the letters, and as early as 1838 an estimate was made of comparative weight of letters and papers sent from the five largest cities of the Union in a week. The weight of the letters were fourteen hundred and twenty-eight pounds and of the papers fifty-five thousand two hundred and forty-one pounds, while each letter paid an average twelve cents, and each paper one cent.

It was urged that it was unjust that letters should bear almost the entire expense of the Post-Office Department; that the postage on papers should be increased and that on letters diminished. The Postmaster-General in 1841 proposed an increase of 100 per cent. on the postage of printed matter converted into weight, with a reduction of 25 per cent. on letter-postage and prepayment on letters and papers.

To the advance of rates on papers it was replied that as the post-office was established for the diffusion of intelligence, and as newspapers performed that service for the public which letters did for the individual, and as the letter-postage was less than by any other means of conveyance, it was in the public interests that low rates on papers should be maintained. Congress therefore reduced the rates both on papers and letters, making them in each case depend on weight, and without regard to distance of transmission, requiring prepayment on letters but not on newspapers. With some modifications this has continued to be the law until the present time.

I think they were right to recognize as they did in the early days of the Government the difference between a local circulation and a general, wide-spread circulation of newspapers. If we propose by our legislation to do justice to the various interests of the country we ought to make some difference without respect.

I do not say as an independent question that the country newspapers ought to be free; that they have any special claims to total exemption from postage; but I do say that they have a right to have a difference made in their favor on the score of the small distances which they are transmitted. Of course the city newspapers are free within their respective counties as the country newspapers are. It was not merely for the country papers, but for relative justice that I pleaded when speaking on this subject several months ago.

I have no doubt it would be more just if we had a graded rate based upon the limits of distance and weight; yet that would be too cumbersome, and perhaps the order that is now adopted in this bill ought to stand. I wish, for one, to disclaim any purpose of assault on the newspapers on the one hand, or of toadying to them on the other. I stand by the old theory and traditions of the Government in regard to the Post-Office Department.

Mr. ELLIS H. ROBERTS. I move to amend the amendment presented by the committee by substituting one cent in place of one cent and a half, and two cents instead of three cents.

I recognize the force of the argument for prepayment; but I do not recognize the accuracy of the figures which are here presented. It is claimed that the postage upon newspapers carried through the mails during the past year would have been nearly \$2,700,000, while the amount collected was but \$1,072,000. Gentlemen have chosen to make a calculation based upon these figures; but I venture to say that their results are inaccurate. They can have no data to justify the estimate which has here been submitted. I do not question the honesty of their intentions; but they are making calculations about that which is necessarily uncertain, and they reach a conclusion which is absurd upon its face. The claim that there was a failure on the part of the postmasters to collect \$1,700,000 of postage which should have been collected on newspapers should have taught them that their calculations are radically wrong.

The postage as it stands is so high as to drive a great many newspapers out of the mails. They are compelled to rely upon other facilities for reaching their subscribers, because the postage now is too high. They do not object to prepayment; but if you get all of this \$2,700,000, (which is the calculation as to the amount that should be obtained from newspapers going through the mails,) if you have sure pay upon the newspapers, you can carry them for even a lower rate. The tendency of the present system, as the experience of gentlemen experienced in postal matters will testify, is to drive newspapers out of the mails for all short distances. Practically you carry in the mails only the newspapers that go a great ways. Now, if you want to get the profitable business for the mails, you must make your rates low enough to attract it; and in my judgment they ought not to be higher than one cent for weeklies and dailies, and two cents for magazines. Such a discrimination as now exists ought not to be made between magazines and newspapers, because the greater amount of business furnished by the dailies and weeklies places them within the range of a wholesale business; whereas the magazine postage, large as it is, must be in the aggregate very much less than the newspaper postage.

Gentlemen tell us a great deal about the weight of newspapers. Some of them are the very gentlemen who argued a while ago that weight made no difference at all, when they wanted agricultural reports carried for nothing. If that argument is sound, I would be glad to borrow some of the eloquent sentences of my friend from Illinois [Mr. CANNON] who tried to teach us that it did not make any

difference how much the mails weighed. But it does. What I want is that you shall fix some fair rate for a wholesale business when you ask for prepayment. That is all we ask.

The newspapers of this country do not want any sympathy from this body or any other body. They ask for justice; that is all. I know, Mr. Speaker, that this body, at least, is not going to legislate against newspapers out of spite. Bear in mind, gentlemen, great as you may be, and long as you may live, your career is short compared with the life of a great newspaper. The newspaper is an institution of this country, and there is no man so great that he can afford to sneer at it. I only choose now to say that the newspaper asks no favors, asks no sympathy. If you choose to legislate from spite you may, and newspapers will be carried outside of your mails.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Speaker, I wish to refer to the remarks of the gentleman from Ohio [Mr. GARFIELD] for a moment before referring to what the gentleman from New York [Mr. ELLIS H. ROBERTS] has been talking about. I understand the gentleman from Ohio antagonizes the Senate amendment which provides that mailable matter of the third class may weigh not exceeding four pounds for each package, and postage shall be charged at the rate of one cent for each two ounces or fraction thereof. I claim that is a proper amendment. It is substantially the same provision contained in the bill passed by the House the other day which was reported from the Committee on the Post-Office and Post-Roads. I claim it is right not only as a matter of justice to persons who live in portions of the country where there are no express offices, but it is right also as a matter of revenue for the Department, and whoever antagonizes an amendment of that kind, while he may not do it intentionally in favor of the express companies, nevertheless is in fact operating in their favor and against the convenience of the people of the country.

In seven of the principal cities last winter the mails were weighed for thirty days, and there were in round numbers one hundred and twenty thousand pounds of books and merchandise producing \$20,000, of postage. For the same thirty days the newspapers and periodicals mailed in the same seven cities weighed four million pounds, which at a cent and a half a pound, the rate which the gentleman proposes to fix, would produce only \$60,000, but which, if charged at the same rate as books and seeds and cuttings, would produce near half a million of dollars. Yet the gentleman from Ohio claims you should not carry four pound packages of third-class mailable matter which produces this kind of revenue. I say as a matter of justice to the people and as a matter of justice to the revenues of the Post-Office Department this third-class mailable matter should go through the mails as provided for in the amendment of the Senate.

But the gentleman from New York [Mr. ELLIS H. ROBERTS] says we have no data that the revenue would be \$2,000,000 on papers and periodicals at the rate which is proposed shall be fixed by the committee. I say we have the data in the census report of 1870, and also in this weighing for thirty days in these seven principal cities of the country. Newspapers, periodicals in these principal cities for thirty days weighed four millions of pounds. For the entire year that would make 48,000,000 pounds for these seven cities alone. Calculation to produce \$2,000,000 of revenue at the rate proposed is upon the basis of 97,000,000 of pounds. You will notice, therefore, that these seven principal cities would give over one-half of the amount necessary to produce this amount. Therefore I say you are not groping in the dark, but you can calculate with as great certainty as you can in reference to anything in the future not absolutely certain that there will be this amount of newspapers and periodicals going through the mails at this reduced rate.

Mr. ELLIS H. ROBERTS. The gentleman from Illinois states that a certain amount was carried through the mails for a certain period, and then makes a calculation according to the census of 1870; is not that a guess?

Mr. CANNON, of Illinois. It is not a guess; the observation of postmasters and the ascertained facts show that it is correct, and such calculation is verified by the weighing of mails for thirty days in those seven principal cities.

Mr. ELLIS H. ROBERTS. He weighed within a certain territory and found a certain result and doubled that result. I think that cannot be called anything else than a guess.

Mr. CANNON, of Illinois. No, sir; one fact verifies the other. If seven cities mail forty-eight million pounds of newspapers in a year, certainly the whole of the balance of the United States would mail as much more.

Mr. ELLIS H. ROBERTS. His calculation is the result of a guess, very ingenious, perhaps, but nevertheless a guess.

Mr. CANNON, of Illinois. The gentleman wants to have the last word. So be it.

Mr. G. F. HOAR rose.

The SPEAKER *pro tempore*. No further amendment is in order.

Mr. ELLIS H. ROBERTS. I withdraw my amendment on condition the gentleman renews it.

Mr. G. F. HOAR. I have listened to the distinguished gentleman from New York, [Mr. ELLIS H. ROBERTS]—his speech to-day and his speech on the general question some weeks ago—with less pleasure than that which I usually derive from what he has to say to the House, because it seems to me in discussing the effect of this legislation upon a portion of the people he has fallen into the common error

of supposing his opponents influenced by a mean or low motive which may possibly enter some minds rather than by a general desire to do what is right and for the public interest.

Mr. ELLIS H. ROBERTS. O, no.

Mr. G. F. HOAR. He said the other day in substance if the House expected to curry favor with the country press by giving them their newspapers free they were mistaken.

Mr. ELLIS H. ROBERTS. I say it now.

Mr. G. F. HOAR. He warns us now against legislating out of spite, and compares the length of the life of a great newspaper with the length of the career of a man in public station. But, Mr. Speaker, that is not the motive with which the gentlemen of this House are addressing themselves to this important public question. It is not in the least a question of the interest of the publisher of a newspaper. We have to deal with the question of the interest of the reader—the man who is to receive the newspaper. Now, the little local newspaper is a necessity of life to the people in the neighborhood where it is circulated. The widow, the laborer, and the poor man in the country like to have on Saturday night for the family reading the weekly newspaper which has the current county news, and the weekly newspapers are of such a class and the people who take them are of such a class, that the burden of postage may be a very serious burden in determining the question whether they can take the paper or not. On the other hand, the large daily newspaper of the metropolis is supported by the advertisements of the business and wealth of the country, and colossal fortunes are made by these long-lived newspapers after they once get established, while the little weekly newspapers perish like the leaves of the autumn.

The gentleman from Connecticut, [Mr. HAWLEY,] an old newspaper publisher, declares that whatever may be the postage we put upon the city paper it makes no difference to the subscriber, but that the publisher would and could shoulder the entire burden. Now, therefore, it is important for us in our legislation to encourage as far as possible and as far as is necessary, by lightening the burden, the circulation of this information among the people by the press, with the influence it exerts in enabling the American people to govern themselves. The press of this country, Mr. Speaker, has a great power, a great educational influence. I recognize its power; I recognize its value. It has its errors, it has its sins, it has its crimes, it has its licentiousness, it has its recklessness. It also has its honest and generous support of what is good and true. The cure for the evil which to-day prevails in the American press, as in the press of every generation since newspapers have existed, is the multiplication and not the suppression of the circulation of the newspapers.

[Here the hammer fell.]

Mr. G. F. HOAR. I should like to have just three minutes more.

Several MEMBERS. Go on.

Mr. G. F. HOAR. If the great newspaper of New York misrepresents the men in this House in their public conduct, thereby striking a blow at the very principle of self-government itself, because under the shadow of every calumny printed against the pure man ten knaves escape the just punishment of public indignation, and the knavery which exists—and it does exist—in our Government to-day is shielded by the unjust attacks made upon honest and faithful public servants, teaching people to look upon all public men as alike bad—if the great newspaper of the metropolis engages in that work of misrepresentation, the cure for that evil is to put by its side ten other newspapers of equal circulation, and out of these eleven or twelve newspapers the people will sooner or later learn to pick out the truth. I go, Mr. Speaker, for reducing the postage on both classes of newspapers to as low a rate as the public burdens and the state of the public service and the condition of the public Treasury will permit. And I trust my friend from New York, whom I honor as much as I do any man—there is no man whom I honor more on this floor—will not attribute to me either the desire to curry favor with the country newspaper or to wreak spite against the city paper when I give my vote.

Mr. ELLIS H. ROBERTS. Mr. Speaker, the newspapers of this country, as of all countries, must be made by men. The newspaper will have human frailties and will represent human passions. It would be fortunate for us if it were not also true that a legislative body represents human frailties and embodies human passions. For much of what the gentleman from Massachusetts [Mr. G. F. HOAR] has said I thank him, because I know that the compliments he pays to the press are not mere words.

Now, the practical question is whether you are to make your postage so high as to be in the interest of the richest newspapers, or whether you will adopt such a rate as shall be in the interest of the Government, in the interest of the Post-Office Department.

Mr. G. F. HOAR. I do not differ with the gentleman as to that.

Mr. ELLIS H. ROBERTS. I know that the gentleman from Massachusetts does agree with me as to the rates; and it seems to me that it is essential that we should adopt such a rate that it may not depend on the mere word of the gentleman from Massachusetts, good as that word is, to prove that we do not legislate out of spite. I know that newspapers sometimes indulge in unjust criticism, but they also often speak necessary and proper judgment. When their censure is not deserved, when it descends to slander, we must rely upon character to stand up against it—character which is above abuse, which adorns this Hall, and which is the safety of this Repub-



lie. I want the action of this body to be not only just, but to be so just that no fair man can complain of it. And therefore it seems to me that the amendment which I move presents the equitable and proper figure to adopt in this bill.

Mr. HAWLEY, of Connecticut. I wish to make a single remark. The gentleman from Massachusetts [Mr. G. F. HOAR] did not quite do me justice in saying that I acknowledged or asserted that all this postage, now that it must be prepaid, must come out of the greater newspapers. That expression requires modification. I said it would not at present increase the rates of subscription. It would take a long time, I said, before the business so worked round as to get the money from the subscriber. But if those papers on the average pay now only a fair profit and this is a deduction from their fair profit, it is inevitable under the ordinary laws of business that in time they will come to collect all this from their subscribers. That unquestionably will be the result.

Now the hardship of this law is in the violence of the change and in the sudden concentration of a small tax upon a few persons. I therefore would like very well, and I think it would be better for the service in the long run, to begin with the low rates suggested by the gentleman from New York [Mr. ELLIS H. ROBERTS] even if we should collect no more revenue than now; and then in a year or two, after the business had been adjusted and if required by the exigencies of the public service, to increase it a trifle.

I say make it very low, because you change the method of collection. It had better be one or two cents per pound now, and then a year or two hence when the business adjusts itself you can add a cent or half a cent.

Mr. COBB, of Kansas. Suppose we put it at one cent per pound, as proposed by the gentleman from New York, [Mr. ELLIS H. ROBERTS,] does the gentleman from Connecticut suppose that any Congress will hereafter ever raise the rate of postage? Has such a thing ever been done?

Mr. HAWLEY, of Connecticut. I suppose Congress will raise it if they find they cannot afford to carry this matter at the rate now fixed.

Mr. COBB, of Kansas. Is it not a fact that in fixing the rate of postage on newspapers by this bill we are fixing it for all time? It has been the uniform practice of the Government to diminish the rates of postage instead of increasing them, and if we once fix it at this rate it will never be placed at a higher rate, and moreover next year the gentleman from Connecticut or some one else will move to make the rate half a cent per pound and finally the postage on this matter will be abolished altogether.

Now a word more. It seems to me that the bill which passed the House, being reported from the Committee on the Post-Office and Post-Roads, fixing the rate of postage at one and a half cents per pound on newspapers and on periodicals at three cents a pound, was the proper thing. It seems to me that if Congress intends to fix any rate of postage upon these publications it ought to fix the rate at something which will be a compensating rate. If not, wipe it out entirely. It cost \$26,000,000 last year to transport the mails, and of that \$26,000,000, \$25,000,000 was the cost for the transportation of express matter and newspapers. We received in return for that something a little over a million dollars for an expenditure of \$25,000,000. It seems to me that it would be the fair thing and the right thing either to impose a proper rate of postage or to wipe out this charge altogether and transport this matter through the mails free.

Mr. HAWLEY, of Connecticut. I hope the gentleman will put a mark of interrogation at the close of his remarks, for he interrupted me on the plea that he desired to ask a question.

The question was upon the amendment offered by Mr. ELLIS H. ROBERTS to the amendment reported by the Committee on Appropriations.

Mr. ELLIS H. ROBERTS. I desire to state to the Chair that my amendment is an amendment to the amendment of the Committee on Appropriations. The committee propose one cent and three mills and three cents as the rates. I propose one cent and two cents.

Mr. TYNER. If the Chair will bear with me I will state the proposition. The Senate proposes to make the rate four cents per pound; the Committee on Appropriations propose one and a half cents and three cents. The gentleman from New York proposes to fix it at one cent and two cents per pound.

The question was taken on the amendment offered by Mr. ELLIS H. ROBERTS, and it was not agreed to.

The question recurred upon the amendment reported by the Committee on Appropriations.

Mr. TYNER. I propose to withdraw that part of the amendment of the committee which attaches to the proviso to the section. The amendment of the Senate will then be agreed to with an amendment, and the proviso will be open to such changes as the committee of conference may think necessary.

Mr. KASSON. I think it is necessary that there should be an amendment striking out the proviso so as to bring it within the purview of the committee of conference.

Mr. TYNER. I think not.

Mr. GARFIELD. O, no; the proviso is a part of the section.

Mr. KASSON. But you propose to concur in the proviso without any amendment.

Mr. GARFIELD. The proviso is a part of the section. We have

amended the section, and that leaves it to the conference committee to make any changes in it or in the proviso to it that they may deem fit.

Mr. KASSON. Very well.

The question was taken upon Mr. TYNER's motion; and the amendment of the Senate was concurred in with the amendments recommended by the Committee on Appropriations.

The next amendment of the Senate was read, as follows:

That upon the receipt of such newspapers and periodical publications at the office of mailing they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

The newspapers, one copy to each actual subscriber residing within the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. CANNON, of Illinois. I understand that the committee recommended non-concurrence in that amendment.

The SPEAKER *pro tempore*. The committee do recommend non-concurrence.

Mr. CANNON, of Illinois. I move to amend so as to concur in the Senate amendment.

The SPEAKER *pro tempore*. The gentleman has only to ask a division upon the question of concurring; that is the parliamentary form in which the question is put.

Mr. CANNON, of Illinois. Before the vote is taken I desire the attention of the House to this section of the Senate amendment. The gentleman from Ohio [Mr. GARFIELD] referred to it in his remarks a few moments since. I replied to him very briefly. And I want the attention of the House called now to the fact that the gentleman from Ohio [Mr. GARFIELD] now proposes that third-class matter, in packages of the size of four pounds, shall not be allowed to go through the mails, although it may pay postage. And I want again to call the attention of the House to the fact that this class of matter, at the rate of postage proposed, will yield an absolute revenue to the Department sixfold greater than newspapers will yield.

I have in my district, and I see many gentlemen before me who I know have in their districts, men who live at a distance from express-offices and who cannot avail themselves of the express office, and to whom it would be a great convenience to receive packages of third-class matter through the mails. Then both as a matter of convenience to the masses of the people of the country and as a matter of revenue, which we need in the Post-Office Department, it is wrong to non-concur in this amendment of the Senate. Not only was this subject considered in the House the other day when a bill on the subject was passed, but the Senate adopts and accepts the proposition, and yet the Committee on Appropriations propose that it shall be rejected.

I stand here to say that it is not in the interest of the people nor of the Post-Office Department nor of anybody in the world except express companies that we should vote down this proposition. And if gentlemen want to make a record against the proposed amendment, that is their lookout and not mine. I only want the attention of members called to it so that they may realize what it is proposed they shall do when they are asked to non-concur in this amendment.

#### MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was delivered to the House by Mr. BABCOCK, his Secretary, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 208) for the relief of Julius Griesenbeck, of Waco, Texas;

An act (H. R. No. 280) granting a pension to Ann Crane;

An act (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled;

An act (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

An act (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster-out of the service of the United States as of the date of their dismissal;

An act (H. R. No. 1706) to authorize the widening of Wight street

through the grounds of the United States marine hospital at Detroit, Michigan;

An act (H. R. No. 1768) for the relief of Ephraim Showalter;

An act (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

An act (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon;

An act (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy;

An act (H. R. No. 2211) for the relief of Beck & Wirth;

An act (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers;

An act (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873;

An act (H. R. No. 2453) to increase pensions in certain cases;

An act (H. R. No. 2697) to create an additional major of artillery and to promote Captain James M. Robertson;

An act (H. R. No. 2704) for the relief of Selden Connor;

An act (H. R. No. 3073) relating to ambassadors, consuls, and other officers;

An act (H. R. No. 3183) for the relief of Jonathan D. Hall;

An act (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name;

An act (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

An act (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan;

An act (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress;

An act (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa;

An act (H. R. No. 3591) to admit free of duty articles intended for the international exhibition of 1876;

An act (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property;

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army; and

A joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858.

The message further announced that the following bills, not having been returned by the President with his objections to the House in which they originated within ten days from the time they were presented to him, as prescribed by the Constitution, had become laws without his signature and approval:

An act (H. R. No. 1582) for the relief of C. C. Spaid;

An act (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army; and

An act (H. R. No. 3174) explanatory of the act of June 30, 1854.

#### POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

The pending question was upon the following amendment of the Senate:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. TYNER. I disagree with the gentleman from Illinois [Mr. CANNON] in regard to the recommendation of the Committee on Appropriations concerning this amendment. As the law now stands merchandise can be transmitted through the mails in parcels not exceeding twelve ounces in weight. Now in my judgment the purpose of a post is not to convey express matter through the mails all over the country. The object of the Post-Office Department is simply to convey intelligence to the people either in printed or written form. Whenever you go beyond that, and admit express matter, merchandise, or anything of that character in the mails, then you do it only as a matter of convenience to the people. I admit that there are some localities in the United States that are rather remote from express offices, and it seems to me that the Government should provide some mode by which they may receive packages of this sort. But when Congress authorized the transmission of packages of twelve ounces in weight through the mails it made as great a concession to the public interest, in my judgment, as it ought to do. If you now provide that these packages shall be conveyed in the mails to the extent of four pounds in weight, it will not be twelve months before

the proposition will be made here to increase the weight of packages to six, eight, and ten pounds; and your post will become an express package-carrier, instead of a bearer of intelligence among the people.

Mr. HALE, of Maine. Let me inquire if one result of such a proposition would not be that every railroad corporation now carrying the mails will claim to have their rates of compensation doubled and trebled?

Mr. TYNER. The law regulating the manner of compensating railroad companies for carrying the mails provides that they shall be paid according to weight. If you load your mails down with merchandise, as a matter of course when you come to readjust the compensation of railroad companies you must pay them for carrying merchandise as well as for carrying mail matter proper.

Mr. FORT. Mr. Speaker, I am not entirely certain that I understand what this amendment imports. I understand, however, that it would admit into the mails packages not exceeding four pounds in weight of any merchandise or thing that will not damage or interfere with the transmission of mail matter in the mail-bags. If that is the case, then I am in favor of the provision, not only because it is clearly in the interest of the people, but because it is also in the interest and profit of the Post-Office Department, this amendment should be adopted.

It will take any gentleman but a moment to figure up and see what profit the Government will make by carrying these packages in the mails for the convenience of the people. It is eight cents per pound, and, as I figure it, the Post-Office Department will receive \$160 per ton for this kind of matter under this amendment. Am I not right? Then if the Government will receive \$160 per ton for carrying these packages for the convenience of the people, the Post-Office Department will make a good profit, and it occurs to me that there is no great danger that the railroad companies can possibly so increase their rates for carrying the mails as to make the Government lose money in carrying these packages.

Mr. GARFIELD. The gentleman speaks about the Government receiving \$160 per ton for these packages. For what number of miles? The railroad companies receive so much per mile.

Mr. FORT. The postage to be paid on this matter will amount to \$160 per ton for a long or short distance. If you put a ton weight of these packages in the post-office in New York to go one hundred miles the Government would get \$160 for it. If I send it a thousand miles or to San Francisco the Government will receive the same sum, and it would well pay the Government for carrying these packages that distance.

Mr. GARFIELD. But we have to pay the railroads for carrying our mails; we pay them not only by the ton but by the mile.

Mr. FORT. Yes, sir; but the Government would make money on any distance. The Post-Office Committee understand no doubt how the contracts are made with the railroad companies to carry the mails. I understand those companies are paid so much per mile per pound; but I ask the gentleman who has charge of this bill [Mr. TYNER] whether the Government ever pays \$160 a ton for carrying mail matter any distance in the United States; and, Mr. Speaker, whether these packages are not carried over from three to five hundred miles on the average?

Mr. TYNER. It does. Some of the railroad companies receive fifty dollars per mile for carrying two hundred pounds of mail matter per day. The gentleman, if he will figure that up, will find it amounts to about eight cents a pound. Undoubtedly it is the fact that the greater the quantity of matter passing over a road the less are the rates per pound.

Mr. FORT. Yes, but that is for carrying that amount every day in the year. The gentleman does not mean that it costs fifty dollars for carrying two hundred pounds one mile as he states it.

By examination of carefully prepared reports and papers of Mr. Bangs, superintendent of the railway mail service, who seems to clearly understand his official duties, it will appear that these packages can be carried for the people cheaply and at the same time the Government will make money by doing this service.

That is a question which the Post-Office Committee can settle. But in my judgment this is a provision in the interest of the people, and not in the interest of express companies. The people all over this broad country are interested in receiving at cheap rates small packages. They cannot afford to pay the heavy express charges. We all know that matter sent by express passes frequently through the hands of several express companies before reaching its destination, and thus the charges are increased. There would be nothing of the kind to increase the expense in the Post-Office Department. I trust the amendment will be adopted.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Speaker, in two respects we are departing from the traditions of the post-office. I have already tried to point out one; I will now point out another. For the first fifty years of the postal service down to October 1, 1829, the total receipts for postage were \$26,889,000 and the total expenditures on account of postage \$25,246,400. In other words, for the first fifty years of the postal life of this country our Post-Office Department was not only self-sustaining, but paid a revenue of about one million and a half of dollars into the Treasury.

Now, I do not believe we ought to undertake to make the Post-Office Department a source of revenue, but I do think we should



endeavor to make it self-sustaining. It ought to stand on its own ground. In view of the fact that during the first fifty years of this Government our total expenditure for postal service was but twenty-five millions and a quarter of dollars, I am amazed at the fact that we appropriate in this very bill \$35,000,000 for the expenses of the Post-Office Department for a single year. In other words, for the next fiscal year the postal service of the country is to cost a total of \$10,000,000 more than all our postal expenses during the first fifty years of the life of the Republic.

Mr. CANNON, of Illinois. But while we appropriate \$35,000,000 for the postal service do we not expect to get \$30,000,000 back?

Mr. GARFIELD. Certainly.

Mr. SMITH, of Ohio. And do we not now send more mail matter through the mails in a single year than we did during the first fifty years of which the gentleman speaks?

Mr. GARFIELD. There is no doubt of that, and very much more. But I wish to call attention to still another fact. Two years ago for the first time in the history of the Government we departed from the time-honored doctrine that it was the business of the Post-Office Department to transmit intelligence for the information and improvement of the people. I affirm that our fathers, in establishing the Post-Office Department, had in view a sort of educational purpose, the diffusion of information among the people; not the carrying on of any ordinary commercial business.

Mr. SCHUMAKER, of New York. Would the gentleman object to carrying Webster's Dictionary in the mails?

Mr. GARFIELD. Certainly not; for books are one of the mediums of intelligence. Letters, newspapers, books, all sorts of printed information are in the line of the original purpose of the post-office. But when you propose to carry on by means of the Post-Office Department a general express business for the benefit of the people, why should you not undertake to plant corn for the people? Is there not a limit somewhere to the extension of the functions of Government? Why should we go further than we have gone in this direction? I think we made a mistake in our departure two years ago from the original business of the Post-Office Department; but if you extend the innovation already made by allowing packages of dead weight of not more than four pounds to pass through the mails there is no reason why you should not include a whole car-load of wheat; there is no reason why you should not send pianos by mail; there is no reason why you should not undertake the entire transportation of merchandise for the people.

Mr. FORT. The Government could afford to do it at \$160 a ton.

Mr. GARFIELD. I say that by such a measure as this we abandon the true policy of the post-office, and we assume under the cover of a postage-stamp jurisdiction of the general business of transportation.

Mr. COBB, of Kansas. Would the gentleman have the mails transported on horseback, as they used to be in Franklin's time?

Mr. GARFIELD. O, no; not at all.

Mr. COBB, of Kansas. Would the gentleman circumscribe the operations of any of the other Departments of the Government to what they were fifty years ago?

Mr. GARFIELD. Certainly not. I would carry out in all its breadth the policy of transmitting intelligence among the people. I would not object to including in the operations of the Post-Office Department the telegraph, if upon due consideration that measure shall seem advisable; for it is in the line of transmitting intelligence. But when you undertake to send through the mails mere dead weight, not intelligence, you transcend the fundamental idea in the establishment of a Post-Office Department.

Mr. FORT. I withdraw the amendment.

Mr. MARSHALL. I renew the amendment by moving to strike out the last word. I seek the floor because I happen to be a member of the Committee on Appropriations and differ from the majority of that committee in their opinion of this question. I agree with my colleague [Mr. CANNON] who has spoken on this amendment that this adds nothing to the burdens of the Government. It does furnish, however, a great convenience, or will do so to a considerable portion of the people who need it. If it were a proposition to establish an express business generally where we have no lines whatever, I should oppose it as soon as any person on earth; but we have these mail routes and public carriers which are carrying the mails of the country for the people. There are many portions of the country, as has been well said by my colleague and others, which have not the convenience of express offices or express companies, and this provision would not impose any additional burden upon the Government whatever; for it has not been shown and it cannot be done that the cost of carrying these packages will be greater to the Government than the revenues derived from so doing. While it imposes no additional burden upon the Government it affords a great convenience to the people throughout the country. I see, therefore, no reason why we should non-concur in the action of the Senate. In my judgment the House should concur in the amendments of the Senate and furnish this additional convenience to the people. It is not and cannot be shown it will add one cent to the cost of carrying the mails. Indeed my friend here says it is an item of economy and we will derive additional revenue from it. I believe such will be the result.

As has been already remarked, I cannot see any interest in any person or parties in the country opposing this except it may be the express

companies of the country. It may in a slight degree come in competition with their business, but only in a slight degree. I do not think it departs from the ordinary business of the country in carrying the mails; and I do not think we ought to vote it down when the other legislative branch of the Government has placed it on this bill, and it is now before the House for action. I shall vote to concur in the action of the Senate and against the recommendation of my colleagues on the Committee on Appropriations.

Mr. COBURN. Mr. Speaker, I rise to oppose the amendment. I have been all along in favor of the greatest freedom in the transmission of mail matter. If I had the power I would make the transmission of mail matter entirely free. There is no reason why the Post-Office Department should support itself any more than the Army or Navy, or any more than the free schools. The object of the Post-Office Department, as the chairman of the Committee on Appropriations [Mr. GARFIELD] has well said, is to transmit and diffuse intelligence throughout the country. That is understood to be its object, and that fact ought not to be forgotten. I will vote, therefore, to reduce newspaper postage and letter postage at every opportunity. The benefits of the Post-Office Department should have the widest possible range. But this matter now before the House is as wide as the world from any question of that kind. As long as we pay postage on anything, I am in favor of allowing postage on packages of this kind and in favor of carrying them. It is a matter of great convenience to all people remote from express offices, and while we do pretend to demand pay for anything why not take pay for packages of this kind? When the Government ceases to demand pay for any kind of mail matter it will be time to leave it off these packages, and not till then. Until that time arrives let us carry these packages and charge something on them, and let the people have the benefit of this Government express if they have a mind so to call it. Ours is a widely extended country, and there are some places too far separated from express offices to justify opposition to this measure. In many places the express offices are a considerable monopoly. The common people at remote distances will be largely benefited by this, and while we charge for any mail matter we ought to allow these packages to be increased to four pounds. I would not make the weight to be carried greater; but I believe there is no danger of carrying elephants or pianos, or any of those great weights which some dread. The fact is at the rate fixed in the bill no one can afford to pay to carry large or heavy articles. It is to be presumed subsequent Congresses will act rationally on this matter as an express, and I have no fear of launching into a dangerous experiment by allowing four pounds weight to be carried through the mails.

Mr. MARSHALL withdrew his *pro forma* amendment.

The question recurred on the amendment of the Senate.

The House divided; and there were—ayes 96, noes not counted.

So the amendment was concurred in.

The twelfth amendment of the Senate:

SEC. 9. That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employé of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employé of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding \$1,000 for each refusal; and if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act, or procure the same to be done; or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

The SPEAKER *pro tempore*. The committee recommend concurrence.

Mr. HAWLEY, of Connecticut. I am not willing to vote for concurrence as this stands without some limitation.

I wish to call the attention of the committee to this point, that it may be corrected by the committee of conference. The amendment of the Senate provides—

That the Postmaster-General may prescribe, by regulation, on affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employé of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employé of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do—

That is to say, shall refuse to take an oath in advance that he will never mail such matter contrary to law—shall refuse to take an oath that he will not some time or other be a criminal for such refusal—

he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding \$1,000 for each refusal.

Is that the way to get at it? The motive is to prevent publishers and their employés from putting matter into the mail contrary to

law. That is what the framers of this amendment are thinking of. They are thinking of the great piles of papers that go from the larger newspaper offices by the cart-load to be mailed, and desire to prevent the employes, the people in the newspaper office, from throwing into the general pile transient papers addressed to persons not regular subscribers. Now there might be a few boys, three or four boys in the office, who might be disposed to put in such a bundle a paper addressed to some friend without a one-cent stamp on it, which would go to be weighed with the rest. Now under this amendment they desire to have an oath administered to the publisher and to all the employes that they will not put a single paper in illegally. If they decline to do it, and refuse to swear that they will not commit a crime, they are to be fined \$1,000. The amendment goes on to provide:

And if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act—

That is to say, if a person puts a paper into the office not prepaid and if he knows anything about it, he knows it will not go unless prepaid—yet if he mails that paper, why then he may be fined \$1,000 and be imprisoned for three years in the penitentiary. That I think certainly requires revision. But the words "as provided in this act and any violation of the provisions of the same," show that it was not this section alone that they were thinking of when they used this expression, but the section also providing for this express business and the sending all sorts of matter up to four pounds and the various other sections here.

Any violation of any of these provisions by any person subjects him it may be to \$1,000 fine and three years' imprisonment, one or both. It strikes me that this punishing of men for not swearing that they will not commit a crime, and this extravagant punishment for a stupid or ignorant violation of a law that nobody now understands here entirely is something that is rather unusual and needs revision.

I wish that we may reach the object and prevent a violation of the law if we can. I would not object to some regulation which would prevent newspaper publishers from putting transient papers in the mails. If any newspaper office deliberately violates the law in this respect, I would not object to the Postmaster-General having the discretion to say "You shall not send your papers through the mail at all; we will stop them if you do not obey the law." But I do not like this provision as it stands now.

Mr. TYNER. The gentleman from Iowa [Mr. KASSON] desires to offer an amendment, and I yield to him for that purpose.

Mr. KASSON. And the gentleman can then answer both the gentleman from Connecticut and myself. I wish to suggest some amendments to lines 18, 19, and 22 which seem to me necessary to make the thing legally accurate. The amendment reads thus:

If any person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

And in line 22 it is provided:

If any postmaster or post official shall knowingly permit any matter to be mailed without the prepayment of postage, &c.

It seems to me that the word "such" should be inserted as in all like cases, so that it may be limited to the persons referred to in section 9. My proposition is to make it read:

If any such person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

The early part of the section provides duties for publishers and their employes only, not the general public. I suppose the gentleman from Indiana will not object to this amendment.

Mr. TYNER. I think that is right.

Mr. KASSON. Then I also ask attention to the propriety of inserting in line 21, after the word "done," the words "and without intent of avoiding prepayment of the postage due thereon." I thought at first that these words might not be required, but on reflection I think they are necessary.

Mr. TYNER. I have no objection to that; and I think these amendments will very nearly meet the objection of the gentleman from Connecticut, [Mr. HAWLEY.] But the gentleman from Connecticut is not aware that the law as it now exists, and as it has existed for many years, requires that the publishers of newspapers shall when called upon make affidavit concerning the papers that they send out to actual subscribers. That law—I shall not take time in reading the whole of it—contains these words:

And if any such newspaper or other periodical shall be thus unlawfully sent with the knowledge or consent of such proprietor, or his agent, clerk, or servant in charge of such business, or if such affidavit shall when required by the Postmaster-General or any special agent of the Post-Office Department be refused, the person guilty of the offense or refusing to make the affidavit shall forfeit and pay fifty dollars in each case.

That is the same principle, but the amount of penalty is different.

Mr. HAWLEY, of Connecticut. That is not an affidavit as to future conduct.

Mr. TYNER. The gentleman will see that under the present law, which provides for the collection of newspaper postage at the office of delivery instead of at the office of mailing, there is no necessity for requiring the affidavit that will be required when prepayment is demanded at the office of mailing.

Mr. HAWLEY, of Connecticut. The gentleman is more familiar with the statutes than I am in relation to postal matters, and I de-

sire to ask him if there is any provision on the statute-book requiring a publisher or his agent to make affidavit in advance that he will not violate the law?

Mr. TYNER. No, there is not. And for that reason I suggested that the publisher himself is not responsible for the postage that accrues upon his newspapers. But when under this law he becomes responsible he should be made to take an affidavit, in the first instance, that he will not knowingly commit a fraud.

Mr. HAWLEY, of Connecticut. My objection to this amendment of the Senate is that it is a provision requiring the publisher of a newspaper and all his employes to take an oath that they never will violate the law, and if the publisher declines to take that oath, then he is to be punished by a fine of \$1,000 and imprisonment. I think that is a very extraordinary provision.

Mr. TYNER. My proposition is this: That if a publisher avails himself of the use of the mails to send out his newspapers he shall be compelled to comply with the terms of the law, and if he cannot do it he should be excluded from the use of the mails.

Mr. CANNON, of Illinois. The gentleman from Connecticut is in error. There is already a section in the postal code which substantially requires an affidavit like this. The only change proposed is to make the affidavit meet the proposed change in the law. I have the law before me, and from it it appears that the publisher has to take that affidavit now.

Mr. HARRIS, of Virginia. I desire to say a word upon this question. I hope the House will non-concur in the amendment. This oath required of publishers and their agents cannot be taken by any honest man with the expectation that it shall be literally fulfilled. It proposes that a man shall not only swear in advance that he will mail no matter that is not prepaid as the law requires that it shall be prepaid, but it makes him swear that he will mail no matter that is not fully prepaid. If he mails a paper, for instance, which is a fraction over two ounces, and fails to put on the right postage, he becomes liable to the extraordinary penalties provided in this act. Sir, there is no member of this House who can tell with certainty when he mails a newspaper what its exact weight is, and yet if the publisher puts into the post-office a newspaper without paying sufficient postage thereon, he is to be held liable to these penalties.

Mr. TYNER. When the gentleman from Virginia became a member of this House, he took an oath that he would not violate the Constitution of the United States. That oath referred to his future conduct. Why, then, is it wrong to require a newspaper publisher to swear that he will not violate the law?

Mr. HARRIS, of Virginia. Another objection to this section is that the punishment provided is entirely disproportionate to the offense. This bill provides that if any publisher shall mail any matter without the postage thereon being paid in full, he shall be fined as much as \$1,000, and imprisoned for three years in the penitentiary. Even admitting that the man were guilty of the offense, I say that it is barbarous, cruel, and against the spirit of the age to put a man in the penitentiary for three years for mailing a newspaper without the proper postage on it. Even if he does it willfully, he knows that his paper will not go, and therefore he can have no intent to defraud the Government. And if he put it in without intent to defraud, he ought not to be fined and imprisoned to this extent. I hope the amendment offered by my friend from Iowa, [Mr. KASSON,] which was offered with my concurrence, will be adopted.

Mr. G. F. HOAR. I desire to move an amendment which I think will meet the objections made to this section.

The SPEAKER *pro tempore*. There is an amendment offered by the gentleman from Iowa [Mr. KASSON] pending.

Mr. KASSON. I understand that that amendment was accepted by the gentleman having charge of the bill.

Mr. TYNER. I have no right to accept an amendment; but I have no objection to that amendment.

The question was taken on Mr. KASSON's amendment; and it was agreed to.

Mr. G. F. HOAR. I move to amend the amendment of the Senate by inserting after the word "do," in line 16, the words:

And shall thereafter, without having taken such affidavit, deposit any newspaper in the mail for transmission.

It seems to me that although this section is perhaps not very important in its practical effect, it is in principle. It is open to the grave and serious objection that it requires a citizen to take an oath as to his future conduct.

The principle upon which this section of the postal code is based is this: the publisher of a newspaper is permitted to address his papers to his subscribers through the mails, and therefore he ought when availing himself of the privilege to be required to take oath that he will not attempt to defraud the Government. But as this section now stands the newspaper publisher may be required to make this affidavit even when he never has used and never wants to use the mails at all for the transmission of his newspapers. This provision requires every person to take this affidavit who may publish a newspaper, and on failure to do so to be liable to a penalty. My proposition is that if he fail to take the oath, and afterward undertakes to avail himself of the use of the mails for his papers, he shall be liable to the penalty.

Mr. TYNER. I do not know that I object to that amendment.

The amendment to the Senate amendment was agreed to.



Mr. ELLIS H. ROBERTS. This section seems to be a dangerous one at the best. It gives to the Postmaster General certain powers. I presume it is not proposed to require this affidavit in all cases, but only where fraud is feared. I therefore move to amend by inserting after the words "Postmaster-General" the words "when in his judgment it shall be necessary;" so that if the Postmaster-General shall fear fraud in any particular case he may require such an affidavit.

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I ask my friend from Indiana [Mr. TYNER] whether it is wise to leave the minimum of punishment as printed in this bill. The bill provides "not less than \$100 nor more than \$1,000." Is it not better to have it read "not more than \$1,000?"

Mr. TYNER. I care nothing about that; I am indifferent to the matter.

Mr. KASSON. Then I move to strike out the words "less than \$100 nor;" so that it will read "not more than \$1,000."

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I have one more amendment which I will suggest, but will not press against the views of the committee. It seems to me that three years' imprisonment is a very remarkable punishment for omitting to pay one cent postage on a newspaper. I suggest one year as the maximum instead of three years.

Mr. TYNER. The publishers ought not to complain, for if the punishment is extraordinarily severe, there will be no conviction under the law.

The amendment to the Senate amendment was agreed to; and the Senate amendment as amended was then adopted.

The next amendment of the Senate was to add to the bill the following:

SEC. 10. That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the 1st day of January next.

The Committee on Appropriations recommend non-concurrence.

Mr. ELLIS H. ROBERTS. I trust this amendment will be concurred in. If there is to be change in the law as regards the rate of postage on newspapers we at least should have notice until January next.

Mr. GARFIELD. The committee thought there ought to be notice, but notice of more than is provided in this section. That is the reason they recommend non-concurrence in the amendment.

Mr. ELLIS H. ROBERTS. With that understanding I will not object to non-concurring in the amendment.

The amendment of the Senate was non-concurred in.

The fourteenth amendment of the Senate was to add to the bill the following:

SEC. 11. That the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the said "Act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 63. That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at \$8,000, shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are not more than \$4,000 nor less than \$3,000; the second class shall embrace all those whose annual salaries are less than \$3,000 but not less than \$2,000; the third class shall embrace all those whose annual salaries are less than \$2,000 but not less than \$1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than \$1,000.

SEC. 80. That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

SEC. 81. That the compensation of the postmaster at New York City shall be \$8,000 per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to the whole amount of box rents, not exceeding \$2,000 per annum, commissions also not to exceed \$2,000 per annum on the other postal revenues of the office, at the following rates, namely: On the first \$100 per quarter 50 per cent.; on all over \$100 and not over \$400 per quarter, 40 per cent.; on all over \$400 and not over \$2,400 per quarter, 30 per cent.; and on all over \$2,400 per quarter, 10 per cent. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That whenever, by reason of the extension of free delivery of letters, the box rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box rents.

SEC. 82. That the compensation of postmasters of the fourth class shall be the box rents collected at their offices and commissions on other postal revenues of their offices at the rate of 50 per cent. on the first \$100 or less per quarter; 40 per cent. on the next \$300 or less per quarter; 30 per cent. on the excess above \$400 per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to \$1,000, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

SEC. 83. That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be readjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient.

SEC. 84. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That

in cases of not less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of readjustment.

SEC. 86. That the Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third or fourth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

The Committee on Appropriations recommend non-concurrence.

Mr. LAWRENCE. I would like to inquire of the gentleman who has charge of this bill [Mr. TYNER] whether this amendment of the Senate will increase or decrease the salaries of postmasters? It was said by my colleague and friend from Ohio [Mr. GARFIELD] that the Post-Office Department ought to be self-sustaining. Now everybody knows that the Post-Office Department has ceased to be self-sustaining, mainly because the expenses have been very largely and very unnecessarily increased. The salaries of postmasters, except in the small offices, have been so largely increased that in most of our towns and villages of ordinary size their pay is much larger than the compensation given by private employers for services of a like character or value. And the pay for transporting the mails has been again and again increased until, notwithstanding the franking privilege has been abolished, expenses have gone on increasing so that the public has lost the whole benefit resulting from that fact, and the Post-Office Department is an annual charge upon the Treasury of the United States.

I think it is time we should begin to legislate in the interest of economy, and somewhat in the direction of a reduction of expenses. If we do not we may as well understand that this great upheaval of public sentiment among the people, sometimes called the "grange movement," will overtake gentlemen, and they will learn when too late that the republican party ought to do what they have not done as well as they might; that is, cut down expenses. The republican party has undoubtedly practiced an economy in public expenses which no other party has ever done or will do; but still there is room for improvement. Gentlemen on this floor may as well understand that retrenchment is demanded, and justly demanded, by the enlightened public judgment and by justice.

Mr. MAYNARD. I have taken but little part in this debate. But I desire to say that if my excellent friend from Ohio [Mr. LAWRENCE] or any other gentleman in this House ever supposed that abolishing the franking privilege was going to reduce the expenses or increase the revenues of the Post-Office Department he was more veridical, if I may be allowed to use that expression, than I supposed him to be.

But I rise now principally for the purpose of entering, for I do not know how many times, a protest against the doctrine that the Post-Office Department should be self-sustaining. We can make the Post-Office Department self-sustaining if that is a desirable object in and of itself. In the first place, we can make our rates of postage sufficiently high; in the second place, we can pay our mail contractors little or nothing; and more especially and in the last place, we can refuse to put the mail service on any route when the business of the route will not pay for carrying the mails. Then your Post-Office Department will be self-sustaining. Restrict mail transportation to the more populous business portions of the country where you have expresses, where private corporations would carry the mails, but never go out into the prairies of the West, never go out into the mountains, never go out upon the frontiers with your mails, because if you do, your operations will be much more costly than in the more densely settled portions of the country.

We hear every session this talk about making the Post-Office Department self-sustaining, as though there were some virtue in that idea. Sir, I oppose making the Post-Office Department self-sustaining. It means the denial of postal facilities to those who have gone out upon the frontier to open up the wilderness; it means the denial of postal facilities to settlers in all sparsely populated parts of the country. It means the maintenance of mail facilities between New York and Philadelphia, between Baltimore and Chicago, and between others of our principal business cities. But when you get away from these points, if you carry out the idea of making the post-office self-sustaining, your mails will be monthly, perhaps bi-monthly.

I am in favor of affording facilities to our people for intercommunication of intelligence, for the circulation of newspapers, periodicals, and other forms of literature, even though the mail-carrier may go with scarcely a handful of matter. It is in this way that we diffuse intelligence to the borders of the land; it is in this way that we build up our civilization; not by your miserable, pitiful cry of "making your post-office self-sustaining."

[Here the hammer fell.]

Mr. TYNER. I move to amend by striking out the last word, for the purpose merely of saying to the gentleman from Ohio [Mr. LAWRENCE] that in the amendments we are now considering there is no proposition to increase the salaries of the postmasters. The Committee on Appropriations has recommended non-concurrence only because there are in these amendments certain details that ought to be further examined.

Mr. HOLMAN. I wish to say that the views expressed by the gentleman from Tennessee [Mr. MAYNARD] are such as would be very generally approved if the deficiency in the revenue of the Post-Office Department resulted from extending postal facilities to the sparsely-

settled sections of the country. But all that can be done without having any deficiency. The deficiency in the revenues of that Department results from the large increase that has been made in the allowances to the great railroad corporations of the country, the increase during the last few years having been at the rate of more than 50 per cent, and upon such roads as the Erie Railroad of New York the increase within the last eighteen months has been over 100 per cent. It is by the controlling power exercised by these corporations over your Post-Office Department, increasing year after year the charges for transporting your mails, that this heavy deficit is produced.

Mr. COBB, of Kansas. I want to call attention to the fact that section 82 will necessarily diminish the pay of every little postmaster throughout the land. It seems to me the House ought to insist that the percentage on the first \$100 or any fraction thereof should be 60 per cent, instead of 50.

The amendment of the Senate was non-concurred in.

The fifteenth amendment was read, as follows:

Insert the following:

SEC. 12. That section 240 of said act shall read as follows:

SEC. 240. That when the amount or mail-matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter-mail, or to increase the cost of carriage of the mail, the Postmaster-General shall provide for the separate carriage of the letter-mail at the usual rate of speed; and when the cost of transmitting other mail-matter than the letter-mail is increased by being carried in postal cars, it shall be carried in other cars, but with due regard to expedition. And postal cars shall not be put on any routes, or the number be increased, except when the service of carrying the letter mail requires it.

The Committee on Appropriations recommended non-concurrence.

Mr. KASSON. I move to amend the amendment of the Senate by adding the following:

*Provided*, That no postmaster in any town or city having according to the last census a population less than fifty thousand in number, shall receive a higher compensation per annum than \$3,000.

I have but a single word to say on this proposition. Early in this session I obtained from the Post-Office Department a statement of the effect which a measure of this kind would have upon the deficiency of the Department. I have only to say—

Mr. COBB, of Kansas. Mr. Speaker, I do not wish to lose my right to make a point of order on this amendment.

Mr. KASSON. I submit that the point is made too late. I had commenced to debate the amendment.

The SPEAKER *pro tempore*. In the opinion of the Chair the point is made too late.

Mr. KASSON. I have found upon inquiry at the Post-Office Department that such an amendment as this would save several hundred thousand dollars annually.

Toucheing the merits of the amendment I wish to say that in most States of this Union, especially the agricultural States, there is no officer of the State government who is paid so high as the postmasters are paid in many of the towns of those States. The governor of Indiana does not receive as much salary as several postmasters in that State. In Ohio, Indiana, Illinois, and Iowa the secretary of state, the State auditor, the State treasurer, with a responsibility of from half a million to two or three million dollars, do not receive as much compensation as do your postmasters in many of the towns.

The question is one of justice. You do not pay the judges of your supreme courts in the agricultural States of this Union \$4,000 a year; you do not pay your governors or other State officers that amount of salary; you do not even pay them \$3,000. I say therefore that the postmaster of a single office, with limited responsibility, is in some cases paid by the General Government 50 per cent. higher than is received by State officers performing duties of the greatest responsibility.

In the interest of economy we should consider the question whether we are just in paying these high salaries to some postmasters while the great mass of postmasters throughout the country receive such small salaries. If you do not wish to save money, then take what you save this way justly and distribute it among postmasters whose pay is utterly insufficient for the service they do.

Mr. MAYNARD. Let me ask the gentleman a question. Concurring, as I do, in his estimate of the salaries paid, I wish to ask whether he thinks the population of a city or town is the proper criterion; whether the postal business does correspond in every instance with the population; whether the postal business in Chicago is not larger than in Brooklyn, Philadelphia, or in any other city than New York, and whether it is right to take the number of people in a place as the criterion for the compensation of a postmaster?

Mr. KASSON. It is the only criterion we can adopt for fixing the maximum rate.

Mr. KASSON's amendment was rejected.

The Senate amendment was non-concurred in.

The sixteenth amendment of the Senate:

Add the following:

SEC. 13. That section 245, section 246, section 247, section 251, and section 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds \$5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route, to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service

proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall be affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted.

SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or both.

SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service, who will enter into a contract for the performance thereof unless the Postmaster-General shall consider such bid too high, in which case he shall readvertise such service. And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; but in case each and every of the next lowest bidders for such service whose respective bids are not considered too high by the Postmaster-General shall refuse to enter into contract and give bond as herein required for the faithful performance of his contract, the Postmaster-General shall immediately advertise for proposals to perform the service on said route. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until a letting under advertisement can take place: *Provided, however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding regular contract term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same, or other contractors, shall be made by the Postmaster-General.

SEC. 253. That hereafter all bidders upon every mail route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of \$5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and, in case of a new or modified service, not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds \$5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders making such deposits. No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed \$5,000 shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section: *Provided*, That nothing in this act shall be construed or intended to affect any penalties or forfeitures which have heretofore accrued under the provisions of the sections hereby amended.

Mr. TYNER. I move to non-concur in all the remaining amendments of the Senate.

Mr. HOLMAN. Let that motion be confined to the particular section now pending.

Mr. TYNER. My proposition is to non-concur in the remaining amendments to the bill. The Committee on Appropriations recommended non-concurrence.

Mr. LAWRENCE. Is this motion debatable?

The SPEAKER. The gentleman will proceed with his five minutes.

Mr. LAWRENCE. I do not know what are the remaining amendments of the Senate, but I do not think we should non-concur without having them all read so we may understand them; and while we are on this subject I wish to say a single word in reply to the gentleman from Tennessee, [Mr. MAYNARD.] He discussed one proposition and I discussed another. I do not object to carrying mail facilities just as far as the gentleman from Tennessee. I will go with him as far as any gentleman on this floor to carry mail facilities to every corner of the country, but in doing that I will not incur any unnecessary expense. And if it is a pitiful cry to insist there should be a reduction of the expenditures of the Government in this or any other



Department of the Government, I think the gentleman will find it is a cry to which the people will give their attention. It is high time there should be somebody stand up and speak in behalf of economy while there are so many to stand up and speak in favor of extravagance and unnecessary expenditures.

Mr. BURCHARD. I desire to move an amendment to the last section which provides that public documents may be sent through the mails without prepayment of postage. I think it is a good provision that postage should be paid on delivery.

Mr. HOLMAN. I hope my colleague will limit his motion to suspend the rules and non-concur in the amendment of the Senate now pending.

Mr. TYNER. I adopt that suggestion and move to suspend the rules and non-concur in the pending amendment.

The question recurred on seconding the motion to suspend the rules. The House divided; and there were—ayes 196, noes not counted. So the motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the pending amendment was non-concurred in.

Seventeenth amendment of the Senate.

Add the following:

SEC. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: *And provided further*, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. TYNER. The committee recommend non-concurrence in this amendment.

Mr. BURCHARD. I desire to move to strike out all in this section preceding line 7 and all following the word "thereof" in line 22.

This will leave merely the proposition to which I referred a moment or two ago to stand by itself, that public documents may circulate through the mails without prepayment of postage, the postage being left to be paid on their delivery.

I move to strike out the first six lines, because they may be construed into a restoration of the franking privilege. I also move to strike out so much of the section as limits the provision to documents already printed, and also so much as provides that the CONGRESSIONAL RECORD or any part thereof shall be carried through the mails free of postage. I hope the House will concur in the remainder of the section.

The SPEAKER *pro tempore*, (Mr. WHEELER.) The gentlemen will send his amendment to the Clerk in writing.

Mr. PARKER, of Missouri. Does not a motion to concur take precedence of the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. The motion to amend takes precedence.

Mr. MILLS. I desire to offer an amendment.

The SPEAKER *pro tempore*. The amendment of the gentleman from Illinois [Mr. BURCHARD] has been received at the desk, and will be read.

The Clerk read as follows:

Strike out the first six lines of the section, and strike out all after the word "thereof" in line 22.

Mr. MILLS. I offer the following amendment:

In line 8 of the section strike out "twenty-five" and insert "ten;" so it will read:

The postage on no single volume of public document shall exceed the sum of ten cents.

Mr. HAWLEY, of Connecticut. I hope the attention of the House will be given to this section. There can be no doubt that it is to a very considerable extent a restoration of the franking privilege. As such I object to it, and I desire a distinct vote taken upon the question, and if possible by yeas and nays.

Now, I am not going to join in any common cant or slang about the franking privilege. It was abused no doubt to some extent. Still it had its uses. It certainly had its benefits at a time when our facilities for the distribution of information were not so good as they are at present. It was then valuable to the people, and valuable to our public institutions, if not abused. But the public sentiment of the country was upon the whole against it. The tendency of public sentiment has been in the direction of paying for everything we send through the mails. The public adopted that idea and we legislated in that direction a year ago. We have professed to abolish the franking privilege. We have professed a sincere desire to make the experiment of no free matter. I wish to adhere to that experiment for one or two or three or four years until we understand and the country understands its operation. Perhaps by and by public sentiment may

justify some modification of the existing law by which public documents got up at the public expense may be distributed.

Mr. FORT. I wish to ask the gentleman a question.

Mr. HAWLEY, of Connecticut. No, sir. But we are evidently not ready for that yet. Public sentiment is not ready for it. And so I object to any direct or indirect restoration of the franking privilege of any sort or description whatever. I wish to wait one or two or three years longer, and then see what should be done. For the present I am unalterably opposed to that, and I call for the yeas and nays.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

#### POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

Mr. PARKER, of Missouri. With regard to what the gentleman from Connecticut [Mr. HAWLEY] has said, I desire to say that this is no restoration of the franking privilege. This does not permit documents to go through the mails free of postage. The gentleman from Connecticut asserts that the people of this country have petitioned Congress that the franking privilege be repealed. Well, sir, I do not believe that the people of this country ever did any such thing. The Postmaster-General of the United States, after having almost a cord of petitions printed in the Government Printing Office at the Government's expense, sent these petitions out to the different postmasters in the country, who in many cases filled them up with their own hands, as they feared their official heads would be cut off unless they would indorse this humbug, because it is nothing else. They did in some cases get a few people to sign these petitions, but in the majority of cases they signed them themselves with the names of persons taken from the directories of the different towns and cities of the country. They went to the tombstones and to the graveyards in many cases to get the names of men and send them up here to instruct the American Congress upon this question.

Now, sir, if it be true that the people did petition us to repeal this franking privilege, why let them know the full effect of it by paying the postage themselves upon all documents that they may desire. For one member of this Congress, after the people of this country have demanded that our pay shall be so reduced that no man can live conveniently here as a member of Congress upon it, I do not propose to pay any postage upon these documents.

Now this section simply proposes that the people who petitioned for a redress of this grievance shall pay their own postage. Let them do it if they desire the documents.

Mr. FORT. How can the dead men do it?

Mr. PARKER, of Missouri. My friend asks how the dead men can do it. Members of Congress do not send documents to dead men, but the postmasters put the names of dead men upon petitions to Congress asking the repeal of the franking privilege.

Mr. HOLMAN. It is very clear that no man has asked for the restoration of the franking privilege since its abolition; that is very clear.

Mr. TYNER. Mr. Speaker, I am quite willing to let my vote, in the event the yeas and nays shall be called on this amendment, indicate to my constituents what my position is in regard to it. But I do want to say that I am ready to put myself on record in any manner whatever against anything which looks like a restoration of the franking privilege.

Sir, I voted for the repeal of the franking privilege during the last Congress. I have had no report from the Post-Office Department since nor any other information that indicates to me that I ought to change my position in that regard. I believe, sir, that I was as much instructed by my constituents, through their platforms at home, through the expressions of the public press and in every other way, to vote in favor of the repeal of the franking privilege and against its restoration, as I have ever been instructed in regard to any question.

We are now entering upon a political campaign in which some gentlemen of this House are to take a part, and in which they are to be candidates. I warn them that they had better be cautious about voting for anything that looks like a restoration of the franking privilege. I have little more to say and then I desire to yield the remainder of my time to my friend from Ohio, [Mr. GARFIELD;] but I want to say, in addition, that this proposition is to permit the postage on these documents to be collected at the office of delivery. It means that any constituent of any gentleman on this floor shall be privileged to ask him to send him a report, but it is to be at the expense of the constituent, and with the understanding that he himself shall pay the postage. I now yield the remainder of my time to the gentleman from Ohio.

Mr. GARFIELD. I desire to say a single word only upon this amendment, and then I hope the previous question will be sustained and a vote will be taken. There is a proviso at the end of this section that hereafter the CONGRESSIONAL RECORD shall pass through the mails free, and in that there is this a little bit of moral bribery

offered to every member of Congress, that the CONGRESSIONAL RECORD or any part thereof shall pass through the mails free of postage.

Mr. HAWLEY, of Connecticut. The appendices.

Mr. GARFIELD. All you would have to do is to have your speeches printed with a heading "Appendix to the CONGRESSIONAL RECORD," and it becomes a part of the CONGRESSIONAL RECORD, and passes free through the mails. In other words, here is a plan to let all the speeches that members of Congress may make, if they have a simple heading saying something about the CONGRESSIONAL RECORD, go through the mails free hereafter, and if that is not a species of moral bribery, which I believe this House will not have the courage or rather the lack of it to consent to, then I do not know what is bribery. I ask for the previous question, and call for the yeas and nays in concurring in the amendment of the Senate.

The SPEAKER *pro tempore*. The Chair desires to ask the gentleman from Connecticut [Mr. HAWLEY] upon which of these propositions he asks for the yeas and nays. There are two amendments to the amendment of the Senate which have been offered in the House. Does he desire the yeas and nays upon those amendments, or upon concurring in the Senate amendment?

Mr. HOLMAN. I hope the yeas and nays will be called on the question of concurrence in the Senate amendment.

The SPEAKER *pro tempore*. The first amendment pending is that offered by the gentleman from Texas [Mr. MILLS] to strike out in line 8 of the Senate amendment the words "twenty-five" and to insert in lieu thereof the word "ten," so that it will read, "and the postage on no single volume of public document shall exceed the sum of ten cents, &c."

Mr. MARSHALL. I desire to say a few words on this amendment.

Mr. SHANKS. I have been trying to get the floor myself, and I must object.

Mr. TYNER. The previous question has been asked by my colleague, the chairman of the Committee on Appropriations.

The previous question was seconded and the main question ordered being first upon the amendment offered by Mr. MILLS.

The question was put; and on a division there were, yeas 115, noes not counted.

Mr. GARFIELD. I call for the yeas and nays.

The yeas and nays were ordered, 34 members voting therefor.

The question was taken; and there were—yeas 127, nays 111, not voting 51; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Barber, Barrere, Begole, Bell, Berry, Bland, Bowen, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, John B. Clark, Jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Corwin, Creamer, Crittenden, Crutchfield, Davis, Dobbins, Dunnell, Durham, Field, Fort, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Harrison, Hatcher, Havens, Hays, John W. Hazelton, Hendee, Hereford, Herrndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Killinger, Lansing, Lawrence, Leach, Lofland, Lowe, Magee, Marshall, Martin, Maynard, McKee, Mills, Moore, Morey, Negley, Niblack, O'Brien, Orr, Orth, Page, Isaac C. Parker, Pelham, Pike, James H. Platt, Jr., Thomas C. Platt, Randall, Rapier, Read, Richmond, Robbins, Sawyer, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Speer, Standiford, Strait, Swann, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Told, Townsend, Tremain, Vance, Wallace, White, Whitehead, Whitehouse, Charles G. Williams, William Williams, Ephraim K. Wilson, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—127.

NAYS—Messrs. Albright, Barnum, Biery, Bradley, Bromberg, Buffinton, Burrows, Cain, Cessna, Amos Clark, Jr., Clements, Comingo, Conger, Cook, Cotton, Cox, Crooke, Crossland, Crounse, Danford, Darrall, Dawes, Donnan, Duell, Eames, Foster, Frye, Garfield, Gooch, Gunkel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Holman, Kasson, Kelley, Kellogg, Knapp, Lamison, Lawson, Loughridge, Lowndes, Lynch, James W. McGill, MacDougall, McJunkin, Merriam, Milliken, Monroe, Morrison, Neal, Niles, O'Neill, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Poland, Potter, Pratt, Rainey, Ransier, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Saylor, Milton Saylor, John G. Schumaker, Scofield, Isaac W. Scudder, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Wood, Woodford, and Woodworth—111.

NOT VOTING—Messrs. Banning, Barry, Bass, Beck, Blount, Clayton, Clinton L. Cobb, Crocker, Curtis, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Robert S. Hale, Harner, Hersey, Hooper, Kendall, Lamar, Lampert, Lewis, Luttrell, McCrary, Alexander S. McGill, McLean, McNulta, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, Purman, William R. Roberts, Rusk, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, J. Ambler Smith, William A. Smith, Stephens, Strawbridge, Sypher, Taylor, Waddell, Whiteley, Willie, and Jeremiah M. Wilson—51.

So the amendment of Mr. MILLS was agreed to.

The question recurred upon the motion of Mr. BURCHARD to strike out of the amendment of the Senate the following at the beginning of the section:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

Also to strike out the following at the end of the section:

Provided, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

The question was taken upon the amendment of Mr. BURCHARD; and upon a division there were—yeas 75, noes 15; no quorum voting.

Tellers were ordered; and Mr. BURCHARD and Mr. SPEER were appointed.

Mr. SPEER. I desire to make a parliamentary inquiry. Is this amendment divisible?

The SPEAKER *pro tempore*. It is not.

Mr. SPEER. Is it in order to move to amend the amendment?

The SPEAKER *pro tempore*. It is not; for the previous question is operating.

The House again divided; and the tellers reported that there were yeas 83, noes not counted.

Mr. SPEER. I think the House has been voting under a misapprehension of the question, and I therefore call for the yeas and nays.

The SPEAKER *pro tempore*. The Chair desires to state that the amendment of the gentleman from Texas [Mr. MILLS] having been offered as an amendment to the one offered by the gentleman from Illinois, [Mr. BURCHARD,] if the amendment of the gentleman from Illinois be voted down the amendment of the gentleman from Texas will fall also.

Mr. G. F. HOAR. The amendment of the gentleman from Texas relates to a portion of the section not affected by that of the gentleman from Illinois.

Mr. BURCHARD. As I understood, the amendment of the gentleman from Texas was submitted as an independent proposition, and so voted on.

The SPEAKER *pro tempore*. The Chair at the time stated distinctly that the amendment of the gentleman from Texas must be germane to the amendment of the gentleman from Illinois.

Mr. MILLS. Does the Chair state that if the amendment of the gentleman from Illinois is voted down my amendment goes down?

The SPEAKER. It does.

Mr. MILLS. Then if the amendment of the gentleman from Illinois is voted up my amendment goes down also.

The SPEAKER. That is a question for the House to determine, not the Chair.

Mr. WOODFORD. Desiring to vote for a part and against a part of this amendment of the gentleman from Illinois, is it not proper to ask that it be divided?

The SPEAKER. It can be divided if it contains distinct substantive propositions.

Mr. CESSNA. There is some confusion about the statement of the Chair in my mind, for he seems to connect the amendment of the gentleman from Texas [Mr. MILLS] with the amendment of the gentleman from Illinois, [Mr. BURCHARD.] Now the amendment of the gentleman from Illinois relates to a part of the section not reached by the amendment of the gentleman from Texas. The amendment of the gentleman from Texas has been adopted, and is now a part of the section. I differ with the Chair with great reluctance; but it seems to me that the amendment of the gentleman from Illinois contains three distinct propositions, and if so I shall ask for a separate vote on each one of them. The first proposition is to strike out the first six lines of the amendment of the Senate as printed. That is a separate, distinct, and substantive proposition of itself. The second proposition is to strike out the first proviso of the section, which is also a separate and independent proposition of itself. The third proposition is to strike out the last proviso of the section, which is also a separate and independent proposition of itself. The three parts of the amendment are not related to each other; they are different in character; and in order that the House may have an opportunity to vote according to its own desire I shall ask the Chair to allow the amendment to be divided into the three parts I have indicated.

Mr. HOSKINS. A single word in regard to the proposition now before the House. The gentleman from Texas [Mr. MILLS] moved an amendment to a certain portion of this section, and his amendment was adopted by the House. I submit that the amendment of the gentleman from Illinois [Mr. BURCHARD] and that proposed by the gentleman from Texas are not germane to each other; they do not apply to the same portion of the section nor to the same subject. It strikes me therefore, with due deference of course to the ruling of the Chair, that they are independent propositions, and that if the amendment of the gentleman from Illinois be voted down it does not necessarily carry with it the amendment of the gentleman from Texas, for the reason that the two amendments do not apply to the same subject-matter or the same part of the section.

The SPEAKER *pro tempore*. The Chair does not hold himself responsible if the House has been misled upon this proposition. He distinctly stated to the gentleman from Texas, and it is so recorded, that his amendment must be germane and must appertain to that of the gentleman from Illinois, [Mr. BURCHARD.] The mistake, if there has been any, was on the part of the House, not of the Chair. In view of the circumstances under which the amendment of the gentleman from Texas was offered, the Chair now states that if the amendment of the gentleman from Illinois be voted down, that of the gentleman from Texas goes down with it. If the House has acted under any misunderstanding that may be corrected; but the Chair is corroborated in his position by the Journal clerk who made the entry.

Before deciding the question whether the amendment of the gentleman from Illinois is divisible, the Chair asks that gentleman to state his amendment, so that it may be understood whether it embraces different substantive propositions.

Mr. BURCHARD. I moved to strike out the first six lines of the



section down to and including the word "and;" so that the section should begin, "The postage on no single volume," &c. I also moved to strike out after the word "thereof" in line 22, the proviso and the further proviso, leaving the body of the section to which the gentleman from Texas had moved his amendment striking out twenty-five and inserting ten.

The SPEAKER *pro tempore*. The Chair holds that this amendment is divisible.

Mr. MILLS. I move to reconsider the vote by which my amendment was adopted, so that the House may extricate itself from this difficulty. Either this must be done, or my amendment must be considered as an independent proposition. The Chair has correctly stated that he put to me the question whether my amendment was germane to that of the gentleman from Illinois. I do not wish the Chair to be placed in a wrong attitude before the House. My amendment relates to the very next sentence after the first part of the amendment of the gentleman from Illinois, and I thought it was germane to that amendment. But I see now that it is not so, and therefore I presume my amendment must be adopted as an independent proposition.

Mr. PARSONS. I rise to a parliamentary inquiry. I wish to know whether the House cannot now vote directly to strike out the first six lines and the last six lines of this section without affecting at all the independent proposition embraced in the middle of the section?

The SPEAKER *pro tempore*. The Chair will entertain the proposition of the gentleman from Texas [Mr. MILLS] to reconsider the vote by which his amendment was adopted.

Mr. BURCHARD. I rise to a point of order. As the order for the previous question was partly executed, I submit that it is not in order to reconsider.

The SPEAKER *pro tempore*. That point of order is well taken. The question will now be taken upon the first proposition of the amendment of the gentleman from Illinois, which is to strike out the first six lines of the section. The clause proposed to be struck out will be read.

The Clerk read as follows:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

The question being taken, there were ayes 45, noes not counted.

Mr. TYNER. I call for the yeas and nays.

Mr. CLYMER. I move that the House take a recess till half past seven o'clock.

Mr. GARFIELD. It is necessary that this bill should be sent to a conference committee to-night, if we are to adjourn on the 22d.

The motion of Mr. CLYMER was not agreed to; there being—ayes 72, noes 98.

The question recurring on ordering the yeas and nays upon agreeing to the first division of the amendment of Mr. BURCHARD, the yeas and nays were not ordered.

So the first division of the amendment was not agreed to.

The question then recurring upon the second division of the amendment, which was to strike out the following:

*Provided*, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act.

The question being taken, there were—ayes 100, noes 48.

So the second division of the amendment was agreed to.

The question then recurring on the third division of the amendment, which was to strike out the following:

*And provided further*, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. HAWLEY, of Illinois. The House having refused to strike out the first part of the section, as proposed by the amendment of the gentleman from Illinois, if these words should now be struck out where then would be the amendment of the gentleman from Texas?

Mr. CESSNA. That relates to the middle of the section.

The question being taken; there were—ayes 78, noes 71.

Mr. SPEER called for tellers.

Tellers were ordered; and Mr. SPEER and Mr. BURCHARD were appointed.

The House divided; and the tellers reported—ayes 107, noes 63.

So the third division of the amendment was agreed to.

The SPEAKER *pro tempore*. The Chair will now state that the portion of the amendment of the gentleman from Illinois to which the gentleman from Texas offered his amendment has been adopted; consequently the amendment of the gentleman from Texas has been adopted. But the Chair will rule that the latter was offered as an independent amendment, and the entry in the Journal will be made accordingly.

The question recurring on concurring in the amendment of the Senate, as amended.

Mr. HAWLEY, of Connecticut, called for the yeas and nays.

The yeas and nays were ordered.

Mr. BURCHARD. I ask that the Senate amendment as now amended be read.

The Clerk read as follows:

SEC. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of

the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of ten cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

Mr. PLATT, of Virginia. I move that the House now take a recess. The motion was not agreed to.

The question recurring on concurring in the Senate amendment as amended.

The question was taken; and it was decided in the negative—yeas 113, nays 119, not voting 57; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Barber, Barnum, Barrere, Barry, Beck, Begole, Bell, Berry, Biery, Bowen, Bradley, Bright, Brown, Buckner, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, John B. Clark, Jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Comingo, Cook, Corwin, Creamer, Crutchfield, Davis, Dobbins, Donnan, Dunnell, Durham, Field, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Hatcher, Hays, Gerry W. Hazelton, John W. Hazelton, Herford, Herndon, George F. Hoar, Hodges, Howe, Hubbell, Hunter, Hunton, Hynes, Killinger, Knapp, Lamar, Lampert, Lansing, Leach, Lowe, Magee, Marshall, Martin, Maynard, McCrary, McKee, McLean, Mills, Moore, Morey, Negley, O'Brien, Orr, Page, Isaac C. Parker, Pelham, James H. Platt, Jr., Thomas C. Platt, Purman, Randall, Ransier, Rapier, Read, Richmond, Robbins, Rusk, Sheats, Sherwood, Sloan, George L. Smith, Speer, Standiford, Strait, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Vance, Wallace, White, Whitehead, William Williams, and John D. Young—113.

NAYS—Messrs. Archer, Atkins, Averill, Bass, Bland, Blount, Bromberg, Buffington, Bundy, Burrows, Cessna, Amos Clark, Jr., Clements, Conger, Cotton, Crittenden, Crooke, Crossland, Crouse, Danford, Darvall, Dawes, Eames, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Hyde, Kasson, Kellogg, Lamson, Lawrence, Lawson, Lofland, Lowndes, Lynch, James W. McMill, MacDougall, McKunkin, McNulta, Merriam, Milliken, Monroe, Morrison, Neal, Niblack, Niles, O'Neill, Orth, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Pike, Poland, Potter, Pratt, Rainey, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Seofield, Isaac W. Scudder, Sessions, Shanks, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Strawbridge, Swann, Tynor, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Woodford, and Woodworth—119.

NOT VOTING—Messrs. Banning, Clayton, Clinton L. Cobb, Cox, Crocker, Curtis, DeWitt, Duell, Eden, Eldredge, Elliott, Farwell, Freeman, Gooch, Robert S. Hale, Harner, Harrison, Hendee, Hersey, Hooper, Houghton, Hurlbut, Jewett, Kelley, Kendall, Lewis, Longbridge, Luttrell, Alexander S. McMill, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, William R. Roberts, Henry J. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, William A. Smith, Stephens, Sypher, Taylor, Charles R. Thomas, Tremain, Waddell, Whiteley, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—57.

So the amendment, as amended, was non-concurred in.

Mr. TYNER. I now move there be a committee of conference requested on the disagreeing votes of the two Houses.

The motion was agreed to.

And then, on motion of Mr. GARFIELD, (at five o'clock and fifty minutes p. m.,) the House took a recess until seven and a half o'clock p. m.

#### EVENING SESSION.

The House reassembled at seven and a half o'clock p. m., the Speaker in the chair.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 954) prohibiting the publication of the Revised Statutes of the United States in the newspapers at the expense of the United States; and

An act (S. No. 110) for the relief of the East Tennessee University.

Mr. HARRIS, of Georgia, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3309) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad;

An act (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

An act (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

An act (No. 4680) for the government of the District of Columbia, and for other purposes; and

An act (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

#### CHOCTAW CLAIM.

Mr. WARD, of New Jersey, obtained the floor, and yielded ten minutes to

Mr. PARKER, of Missouri, who said: Mr. Speaker, I would not trouble the House at this time if it were not for the fact that in the discussion the other day on what was called the Choctaw claim the gentleman from Indiana, [Mr. COBURN,] unwittingly, of course, fell into a blunder which may justly be considered as putting members of Congress in the position of having voted for a claim for which a receipt in full had already been given. In order that those gentlemen who voted for the bill and in order that those who discussed it and voted against it may not be put in a false position, I desire the facts in connection with this matter may be given to the country so they may be completely understood.

It will be remembered that the gentleman from Indiana had read a receipt which he claimed in his speech was a receipt in full for the payment of this Choctaw claim. Of course if that be the fact then this House was spending valuable time in discussing a claim which had been receipted for in full and it puts the House in a false position. If it be true that this claim had been satisfied in full and a receipt had been given for it, it also puts a leading committee of this House, the Committee on Appropriations, in a false position.

If it be true that a receipt in full had been given for this claim, it puts the gentleman from Maine, the gentleman from Ohio, my friend from Pennsylvania, [Mr. SPEER,] and in fact all of the gentlemen who discussed this, except the gentleman from Indiana himself, in a singular position, because they all admitted that the claim had merits in it. It could not have any merits in it if a receipt had been given in full for it.

In order that the facts may be known in connection with this matter, I desire to trespass upon the House briefly to show what this receipt means and what it was given for, and that it may be perfectly understood I ask the Clerk to read the receipt as given in the RECORD and that portion of the remarks of the gentleman from Indiana immediately following.

The Clerk read as follows:

[Copy of release referred to in the foregoing letter.]

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease, and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that the amount necessary for this purpose be appropriated, not exceeding \$872,000; and that the final payment and satisfaction of said award shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known, that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties under the fourteenth article of said treaty.

Mr. COBURN. Under the release I have just read \$850,000 was paid by the Government and accepted by the authorities of the Choctaw Nation as a complete and final settlement. There the matter should rest. If the account has since been opened, if an equity has been raised on behalf of these Indians, if an obligation has since been incurred by the treaty-making power of the United States, that is matter of discussion for lawyers; it is a question that ought to be investigated thoroughly and completely, and should not be brought in here at the end of an appropriation bill to be discussed under the present circumstances.

I regard this matter as of very great importance aside from the amount of money involved. We ought to adopt and stand by a policy against opening claims of such great age unless some equity of a very strong character is presented.

Here, so far as I can see, there is none. The claim seems to be trumped up after settlement in full more than twenty years. It deserves the fullest investigation and the most thorough discussion, such as we cannot give at this time.

Mr. PARKER, of Missouri. It will be observed, Mr. Speaker, that the gentleman asserts in his remarks here that this receipt was given in full, and he uses the expression that if this account is again to be opened there should be some strong equity before it is opened. Why, sir, it never has been closed. The gentleman fell into a most egregious blunder when he presumed that this receipt was given in full for this claim that has been before the House at this session. It will be remembered by the House that after the Senate made its award in 1859 it directed the Secretary of the Interior to make up the account, and in that account is shown just exactly what this receipt was given for.

The whole number of acres of land the Government acquired of these people by purchase was 10,423,195.69 acres. It will be remembered that under the treaty of 28th September, 1830, called the treaty of Dancing Rabbit Creek, a portion of those people desired to remain in their country in Mississippi. The Government by the fourteenth article of that treaty provided that those who desired to remain should have set apart to them a reservation of six hundred and forty acres to the head of each family and so much to each child and member of such family. The amount of these reservations that were set apart under this fourteenth article of the treaty was in the aggregate 334,101.62 acres. It was ascertained when the Government, after having made a survey of this country, came to parcel out these reservations to these people that settlers had gone upon the land, and the Government of the United States was unable to comply with the provisions of the treaty of 1830. The lands were not there to be given to them.

In order to settle the controversy Congress passed a law in 1842 providing for the appointment of commissioners to settle the differences between them. Those commissioners did settle the differences, and the Government by its solemn treaty, subsequently entered into, provided that this people should have, in lieu of the reservations, scrip

valued at \$1.25 per acre and upon which scrip they were to pay interest at the rate of 5 per cent. until the principal was satisfied. Under the terms of the act of June 30, 1852, the Government appropriated \$872,000 to satisfy this scrip which had been given in lieu of the reservations belonging to the Choctaws who chose to remain in the State of Mississippi. This receipt, when the \$870,000 were paid, was given in full satisfaction of the claim for these 322,046.74 acres, or the scrip for it; and that is all that this receipt means and all that it has reference to.

By turning to the fourteenth article of the treaty of 1830, it will be observed that that article, which is referred to in this receipt as being the one out of which the subject-matter of the receipt grew, has no reference to anything in the world except these 334,000 acres of reservations. Article 14 of the treaty provides that—

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee-simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

It will be observed that when the Secretary of the Interior cast up this amount in 1859 he deducted from the account the three hundred and thirty-four thousand acres for which we had given the scrip, and upon that subsequently paid this \$870,000. This receipt, by its express terms, is a receipt in full only for the value of three hundred and thirty-four thousand acres of land, nothing further. It expresses upon its face that that is what it is.

Now, without being desirous of criticising the gentleman from Indiana, I will say that he either knew about this matter or he did not know. If he did not know about it, then it was certainly, to say the least and to put it in the mildest form possible, unkind for him to seek to put almost one-half of this House in the position before the country and the world of voting to pass here a claim which, if it had been, as he asserted, satisfied, it would have been simply an outrage upon the House to undertake to pass. If he did not understand the case, if he fell into this error without understanding it, he is equally culpable as though he had understood it, because upon a matter of this importance and magnitude which may affect the standing of fellow-members of this House, which may put them in a false position before their associates, it is ungenerous for a gentleman of this House to make assertions upon a subject about which he knows nothing. If he does know anything about it, then he does not properly understand and construe the record.

I beg pardon of the House and of the Chair for thus trespassing upon their attention on this matter; but I deemed it due to other gentlemen of this House, as well as to myself, that the country should properly understand what this receipt was, and that the speech of the gentleman, consisting of assertions that this was a fraudulent and trumped-up claim, should not go to the country without the facts being shown to rebut such statements. I thank the House for its attention.

#### BOUNTIES.

Mr. WARD, of New Jersey. Mr. Speaker, I had the honor to introduce, in the early part of the session, a bill (H. R. No. 1244) granting bounties to the heirs of deceased soldiers. I give notice that I will, on the first opportunity, call up that measure and press it to a vote. I send it to the Clerk's desk that it may be read.

The Clerk read as follows:

A bill granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or have died by reason of such service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs of any soldier who was killed or died while in the military service of the United States, in the line of duty, during the war for the suppression of the rebellion, whose period of enlistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the same bounties as if said soldier had enlisted for three years: *Provided*, That the heirs so entitled shall be such, and only such, as are named and in the order named, and upon the conditions mentioned in the first section of the act of July 11, 1862: *And provided further*, That nothing in this act shall authorize the payment on account of any soldier who has received bounty from the Government of the United States.

Mr. WARD, of New Jersey. The object and purpose of this measure is clearly and concisely stated in the bill. It provides that the heirs of those who were killed or who have died from wounds or disease contracted in the rebellion, whose periods of enlistment were for less than one year, shall be entitled to receive the same bounties as if they had enlisted for three years; and also provides that nothing shall be paid on account of any soldier who has received bounty.

Volunteers in the Army of the United States who served in the recent war, and who enlisted for one year and upward, have very properly received bounties, while those who came forward so promptly and nobly in the beginning of the struggle, have been in this respect wholly neglected. It has always seemed to me manifestly unjust that those who were first to respond to the President's proclamation calling upon the militia of the several States to aid in maintaining



"the honor, the integrity, and the existence of our National Union," should be treated with less consideration by the General Government than those who subsequently enlisted.

The bill under consideration does not propose to give bounties to those who *survive*, though it would be only equal justice that they should receive them, but it proposes that where any one of these soldiers has laid down his life on the field of battle or has died by reason of wounds received or disease contracted in the service, that then his widow, his mother, his children, his sisters, or brothers, according to the established order of representation as proposed in the bill, shall receive a bounty equal to that received by those who enlisted for a longer period.

In order that the proviso of this bill may be properly understood, I call attention to the following extract from the act of July 11, 1862, specifying the beneficiaries under that act:

*Provided*, That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither a widow, or child, or children, then and in that case such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father; or, if he shall not be living or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

Mr. Speaker, this proposition needs no argument; neither logic nor rhetoric can aid it. Whether the soldier enlisted for three months or three years, or for a shorter or longer period, I think it will be admitted by all that if he gave his life to his country he gave as much as he who gave most—even all that he had; and his dependent family is equally deprived of the services and support of their natural protector.

We are to-day in the full enjoyment of home and country, of civil and religious liberty, of freedom and equality. We have privileges that no other people on earth enjoy. These privileges have cost a price, and that price is the blood of those whom this bill seeks to remember. Our sense of obligation and gratitude cannot reach them, but those who were ever dearer to the dying soldier than his waning life are within our reach, and it is but a small meed of justice for us to say to them we will pay to you who have lost your son, or husband, or brother, that which they did not receive in life, and which the thousands of volunteers now in life and health did receive.

The proposed bounty is in fact only about one-half the sum realized by those who were entitled to bounties under existing laws, because they received their bounties long years ago, which, with the interest added, reaches nearly twice the sum originally paid them. It is only asked at this period for the representatives of those soldiers who enlisted for less than a year, and have died by reason of their services, what others received many years since.

I know that retrenchment and economy is the aim of the members of this House, and rightly too, and no one will by any proper measure go further in that direction than I; but let us see to it that in our endeavor to promote *economy* we do not perpetuate injustice, and that we are not sordid and ungrateful, remembering that there are some duties to which the plea of economy cannot rightfully be made. While the volunteers for a year and upward have received their bounties and many are now enjoying them, we cannot under the plea of economy refuse a bounty to the widows and mothers of those against whom the Government has so long and unfairly discriminated.

But, Mr. Speaker, it appears to me that considered as a measure of economy even, this bill should be approved. This nation is in its infancy, and it is too much to hope, with all our desires for peace, that there are not other wars before it, and more blood to be shed, and I insist therefore that the Government cannot afford to withhold this justice, and longer manifest a want of consideration for those who have died in defense of the nation; for such a policy would tend to retard enlistments and lead the people in times of emergency to stand aloof from the defense of the national life until the necessities of the Government would compel the offering of extraordinary bounties. Whether, therefore, considered as an act of justice, or in view of possible future wars, I deem this measure to be equally entitled to our favorable action.

Mr. Speaker, those whom the bounties provided by this act would reach, being the families of deceased soldiers, are the ones who have suffered most by the war. Deprived of the care and support of those upon whom they depended, they were obliged alone to toil and to suffer, and often for the very necessities of life. They bore the anxieties and tortures of mind incident to the ever-pressing reflection that son or husband or brother was in peril. Theirs was the grief and fearful desolation when were returned to the family circle, cold and dead, the remains of him who a few months before left them buoyant with hope and burning with patriotism; theirs have since been the privations and neglect incident to a life of poverty and want.

Since the beginning of the war up to the present time it has been my pleasure to give some attention to the interests of the soldiers and of those they have left behind them; and while as a rule they bear their misfortunes with wonderful resignation, I am bound to bear my testimony that the discrimination in the way of bounties against those who enlisted for less than a year and who gave their lives in the service of their country, has produced with many a deep sense of wrong and injury, and I feel that we should hasten to relieve

the nation from this charge of injustice, which is in truth too well sustained.

Mr. Speaker, I do not wish the House to act blindly on this subject, and would not conceal from it the fact that the bill involves no inconsiderable expenditure. I estimate that there are forty-five hundred and fifty families that would be entitled to claim the benefits of this measure; and a bounty of \$200 for each family would involve an expenditure of \$900,000. But although the sum is considerable we should not hesitate to vote it; we are doing but simple justice to those by whose fearful sacrifices it is that we have anything to economize or to bestow.

It will be observed that this bill does not authorize the payment of one dollar on account of those who have received bounty, and that it does not apply to the future, but only to the heirs of soldiers now deceased, and does not therefore involve an expenditure that it is to be either continued or increased. So long a period has now elapsed since the war ceased, that in the future it cannot be reasonably claimed that the soldier has died from wounds or disease contracted in the service.

It is impossible to state with exactness the number of beneficiaries which this bill will include, and I have been obliged, in arriving at my conclusions, to assume that the number of deaths in the short service will be in proportion to the length of the terms of enlistment, the same as in the long service. The War Department has furnished me with a statement of the number of enlistments during the war, and the length of service; the whole number being 2,669,832, divided as follows:

For one year .....	390,597
For two years .....	44,365
For three years .....	1,932,209

Whole number for one year and upward to whom this bill does not relate	2,367,171
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For less than one year:	
Sixty days .....	296
Three months .....	108,416
One hundred days .....	85,507
Four months .....	42
Six months .....	20,429
Eight months .....	373
Nine months .....	87,588

For less than one year (and it only to the families of this class of soldiers who were killed or died in consequence of the service, that the bill refers) .....	302,661
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Total number .....	2,669,832
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The following is a statement of the number of troops who entered the service for a less term than one year, showing the States and Territories in which they enlisted:

Maine .....	8,391
New Hampshire .....	2,682
Vermont .....	5,563
Massachusetts .....	27,333
Rhode Island .....	5,306
Connecticut .....	8,004
New York .....	29,916
New Jersey .....	14,579
Pennsylvania .....	63,773
Delaware .....	2,574
Maryland .....	2,912
West Virginia .....	2,048
District of Columbia .....	4,720
Ohio .....	51,347
Indiana .....	17,710
Illinois .....	20,844
Michigan .....	781
Wisconsin .....	3,909
Minnesota .....	930
Iowa .....	4,869
Missouri .....	16,500
Kansas .....	1,091
Tennessee .....	739
Arkansas .....	374
Oregon .....	42
Nebraska Territory .....	1,228
Colorado .....	1,342
New Mexico .....	2,396
Louisiana .....	669
Total .....	302,661

The whole number of deaths in the Army, including all enlistments, was 327,588, and as five months is the average of the short terms it gives as the probable number of deaths in the class provided for in this bill, the number before stated, namely, 4,550. I should state that the Second Auditor of the Treasury, Hon. E. B. French, who, from his great experience and intelligence, is perhaps better able to form a correct opinion on this subject than any one else, assures me that my estimate of deaths in the short service is very liberal and will exceed by far the actual number to be provided for.

In justice to the Thirty-eighth Congress it should be stated that it passed an act, which was approved March 3, 1865, (Statutes at Large, volume 13, page 488, section 11,) by which bounties were intended to have been given to the heirs of all soldiers, but being referred to in said act as "volunteers," the Secretary of War decided that this class of men, having enlisted under the President's call for *militia*, were not entitled to the benefits of the act; and in consequence thereof the good intentions of Congress were defeated. Now should the proposed bill be concurred in the spirit of that law will be carried out and the long-deferred justice accomplished.

It is not necessary I am sure to appeal for the support of this measure to the gallant and patriotic gentlemen upon this floor who participated in that terrible strife, or to the other members of this House, who, in common with all the people of this land, are to-day enjoying the fruits of that fearful conflict; for it appears to me that the demand is so reasonable and so just that no one will hesitate to grant the desired boon to the widows and orphans of the slain, but that all will gladly embrace the opportunity to perform this act of equity and mercy.

Mr. Speaker, feeling that this brief statement of the merits of this bill might with propriety be made I have ventured thus long to occupy the attention of the House. Permit me in conclusion to add one remark that the old and beautiful maxim which declares that "it is sweet to die for one's country," is only true when one dies with the conviction that he will be remembered with gratitude and the dear ones he leaves behind him with justice.

#### MOIETIES, SANBORN CONTRACTS, ETC.

Mr. BUTLER, of Massachusetts. Mr. Speaker, failing health and the imperative direction of my medical adviser of the danger of taking part in a debate which might call for a draught upon physical strength kept me silent upon the debate on the bills repealing the several moiety laws by means of which the collection of taxes had been assured in all civilized nations. Perhaps this inability was not infelicitous, because it now permits me to call the attention of the House to what I deem the dangers to the revenue of so complete a departure from a system begun under Hamilton, sanctioned without interruption by every legislative act without one intended exception; and because this may now be done, too, after the officers lately executing these laws have gone out of office. The personal enmities and feelings which egged on the prosecution of the investigations of the Committee on Ways and Means have subsided or failed in their specific objects; personal ambition and hate, which were its impelling motives, have either been satiated or failed in their purposes; and the bill proposed by the committee having passed the House without a division, what I may now bring to the attention of the House will not have its weight diminished by the allegation of a desire to defeat an alleged measure of reform for personal or private reasons.

I assume the experiment of abolishing moieties is to be tried. I only desire therefore now to raise a warning voice against this experiment as one in the interest of the dishonest and unscrupulous importer and tax-evader, against the interest of the people as well as the honest and conscientious merchant.

What, then, is the moiety system? It is giving certain large rewards to official or other persons who will take upon themselves the unpleasant task—which is the duty of every citizen, but wholly neglected—of exposing frauds upon the Government and evasions of its taxes by those by whom the law requires they shall be paid. This system has been the machinery for preventing frauds in the collection of taxes in all civilized countries from time immemorial. We derive our laws in this regard, as indeed in all others, directly from England. It was declared in the House as an argument against it that the moiety system had been abolished in England. That is true; but the other truth which caused its abolition was not stated in the same connection by either of the gentlemen of the Committee on Ways and Means in their elaborate speeches taking up several days upon this subject, or in the several reports which they have made to the House, covering six hundred pages; and that is, Great Britain has abolished duties upon all articles of importation save seven only, and upon these her tax is substantially a specific and not an *ad valorem* duty, and she has thrown around those seven articles such safeguards as to compel the honest payment of the imposts upon them; while we have imposed duties, generally *ad valorem*, on three thousand two hundred and eleven articles of importation of every possible description, and in the value of each of which every customs officer would be required to be skilled and expert in addition to his assured honesty, in order to an accurate collection of the imposed duties; and, in addition, experience shows that he would have to be still more expert as a detective in discovering and thwarting the many devices by which the just dues of the country are evaded and the revenues defrauded by the skilled, expert, and unscrupulous importer.

It has been said and reiterated, "Why cannot the revenue officers collect all the revenues? If they are honest and do their duty, what necessity to have informers and detectives?" The answer is a plain one: The more honest the officer, the more unsuspecting of fraud and the more easily deceived; and you cannot get men for \$1,500 a year who are learned in the whole circle of human knowledge as applied to the many thousand articles of use, necessity, and luxury which are imported and taxed by a nation, comprising every variety of climate and every grade of necessity and luxury in its inhabitants, surrounded by a customs line of more than twelve thousand miles, to say nothing of Alaska, over which importations may be made without the payment of duties unless prevented by the customs officers.

Does not this simple statement show the entire impossibility of collecting the just taxes upon this number of articles by the knowledge of the customs officers, to be imported under an *ad valorem* duty founded upon their valuations, or to protect from smuggling so extended a customs line by any practical number of officials? The Committee on Ways and Means forgot to tell you also that in addition to the number of officers which Great Britain has to supervise the col-

lection of taxes upon goods, she still has a "preventive service," as it is called, with an organized corps of trained officers, covering her whole coast, and watching every bay, inlet, and headland of her island whereon contraband goods can possibly be landed. We have no such service, but officers engaged in collecting revenues upon regularly imported goods only, the special agents of the Treasury and the revenue marine excepted. How, then, can smuggling and the much more extended and injurious crime, the importation of goods by false values and false weight and measurement, be prevented? Only by the imposition of penalties so severe that they will make the hazard of the business more than commensurate with the profits. Now the profits on the undervaluation of a single cargo may be hundreds of thousands, while smuggling must of necessity be of very much less value at the single venture. Therefore the importation at undervaluation and by false weights and measures is much more dangerous to the revenue than any possible smuggling. Yet the committee seem to have directed all their energies to relieving from penalties frauds by undervaluations and cheating by false invoices whereby the greatest wrongs and injuries are inflicted upon the Government, and to have given their attention to the prevention of smuggling, which of necessity must be comparatively innocuous and in much smaller amounts.

The smuggler must hide in nooks and inlets, and bring in his goods by stealth under the cover of darkness. Of necessity they are few and of little cost. The fraudulent importer by a false valuation brings in his goods by the cargo, in three thousand ton steamers plying weekly between New York and Liverpool, and passes them through by a bribed officer at undervaluation on a perjured invoice of a confederate partner house in Europe, cheats the people of the United States out of millions, thereby becomes a "merchant prince," and covers his sins perhaps by building churches or other ostentatious acts of advertising benevolence which bring trade to his house; at the same time he lulls the suspicions and blinds the vigilance of the honest customs officer. For how can he believe that such a benevolent, rich, and praying merchant can be getting the means for his charities by defrauding the revenue, cheating the people out of a million dollars, and giving a thousand in charity that he may not be suspected of the fraud? I hope to convince the House before I get through that this is no fancy picture. Yet from this class of defrauders of the revenue the bill of the committee takes away almost every safeguard, and relieves substantially of every penalty.

Penalties, however severe, will be of no value as a preventive unless it is known that they will be enforced. What does the experience of all time and of all peoples teach us as to the detection of crime where there is great interest to cover it up? This truth: that under such circumstances crime is only to be found out and thwarted by an equal interest in the discoverer and pursuer, and the only safety to the revenue of the country is in the belief of the fraudulent importer that he is liable to be pursued by men whose intellects are sharpened and whose energies are spurred by an equal interest to discover the fraud with that which has impelled him to do the wrong.

It is replied to this that it is to be presumed merchants are all honest; that it is not to be assumed that they defraud the revenue; that as to them all this machinery is useless, all the pains and penalties simply vexatious, and their only application is to injure the innocent importer who may happen to have made mistakes. The committee, however, have again forgotten to tell us that in every case of honest mistake the law gives instant remedy in the remission of all penalties. Penalties can only be inflicted on the merchant when the Secretary of the Treasury cannot be convinced he is honest. An illustration, however, upon this point will give a better idea of the honesty of all merchants than any reasoning. And lest I may be supposed to be prejudiced I will take

#### THE TEA TRADE OF BOSTON.

The House is aware that our revenue system allows the merchant to bring his goods in without payment of duties and keep them in bond, and in case he desires export them without payment of duties. The House will also do me the favor to remember that up to 1870 we had not a very large duty on tea, but yet enough to excite the cupidity of some "honest merchants." In 1867 there were exported in bond free of duty from Boston to certain small places in the British provinces bordering on the coast of Maine, to wit: Saint Stephens, Saint Andrews, the Island of Grand Menau, Campo Bello, Indian Island, and Saint John's River, 6,738 packages, containing 338,308 pounds of tea. But in the latter part of 1867 one of these "pestiferous informers," upon whom the very vials of wrath of the chairman of the committee were poured out—an informer, aided by a special agent of the Treasury, went down East along the line dividing us from the province of New Brunswick, and commenced a series of suits and seizures which the bill of the committee now forbids, especially seizures of books and papers; and the consequence was that the next year, 1868, at the same ports, only 1,794 packages of tea, amounting to 85,968 pounds, or one quarter as many, were sent there from Boston to be smuggled back into the United States. Does not this conclusively prove the necessity for the use of the informer and the penalty of a moiety given to him to induce him to act for the Government so that he may be willing to be vituperated by the learned chairman of the committee in the following choice language:

"An odious, despised being, from whom everybody shrinks;" "who has no place whatever in decent society;" "who has his accursed employment;" "a vile, festering, putrescent informer;" "who takes the wages of sin and iniquity."



Who would not require at least one-half of all the penalties he could get to have such billingsgate thrown at him in the face of the country? Did it ever occur to the chairman that there must be something to inform of before there could be an informer; that the "honest merchant" must have committed a crime before anybody could tell of that crime; that the "honest merchant" must be convicted of defrauding the revenue by a jury, unless he confesses his guilt, before the informer can get a quarter of the penalties of the crime to which the court sentences the criminal? In all this most remarkable ebullition of vituperation the learned chairman finds no word of objurcation or characterization of the dishonest, perjured, fraudulent, smuggling importer, because of whose crimes alone the "pestiferous informer" can exist. Ah! who would not rather be the "merchant prince" who defrauds his government and cheats the people and is false to his country and his God alike, to be praised and be lauded therefor by the Committee on Ways and Means, rather than the citizen who informs the Government of his crimes in order that they may be hindered, stayed, and punished?

To stamp the fact that all this importation of tea in bond from Boston—for I do not take into the account the other ports of the United States—to this province was entirely for the purpose of being smuggled back into the United States by the "honest merchant," I call attention to the fact that in 1870 the duty was taken off tea, and in 1873, with all the increase of population, there was sent from Boston to the same port only twenty-eight packages of tea, amounting to 1,766 pounds, in I find 1,738 packages, containing 338,000 pounds, when it could be smuggled with profit, the duty in the provinces being the same all the while—the duty having changed in this country alone. The table I send to the Clerk's desk will show this better than I have stated it.

The Clerk read as follows:

*Statement of the tea exported in bond to British provinces during the years 1867 and 1868 from the port of Boston.*

To New Brunswick.	Before the informer.		After the suit.		After duty was taken off.*	
	1867.		1868.		1873.	
	Pkgs.	Lbs.	Pkgs.	Lbs.	Pkgs.	Lbs.
Saint Stephen's	2,838	128,494	348	15,941		
Saint Andrew's	224	10,055	10	360	18	804
Grand Menan	40	2,624	33	2,018	1	58
Campo Bello	322	13,322	33	1,802		
Indian Island	189	8,356	105	4,754		
Saint John	2,931	167,907	1,230	58,688	9	904
Saint John River	194	8,050	65	3,405		
Other ports						
Total	6,738	338,808	1,794	85,968	28	1,766

\*So there was no profit in smuggling across the line into the United States.

CUSTOM-HOUSE, BOSTON.  
Collector's Office, March 30, 1874.

The foregoing tabular statement was compiled from the records in this office.  
[SEAL.] W. A. SIMMONS, Collector.

Mr. BUTLER, of Massachusetts. But this exporting in bond of a few hundred thousand pounds of tea to half-civilized islands, as I have said before, is but a bagatelle in comparison with the amount of frauds committed upon the revenue by false and fraudulent invoices of high-cost merchandise. I have therefore been at some pains to get for the use of the House some accurate data founded upon statistics, which may be verified by anybody who will take the same pains that I have done, and which cannot be successfully contradicted.

Upon these I make this startling announcement to the House and the country: That the United States does not receive more than two-thirds of her revenue upon all articles on which *ad valorem* duties are imposed in whole or in part, so that to-day no more than 67 per cent. of our revenues are collected, owing to this class of frauds added to the others of which I have been speaking, or, in other words, if we could collect our revenues according to the present rate of taxation we could pay off yearly more than one hundred millions of the national debt, imposing no greater burdens on the people than now, because all of these revenues of which the country is defrauded are charged to the consumer as if paid by the merchant; so that by these enormous frauds the country is doubly the loser, first in its revenue, and secondly by the consumer paying it to the fraudulent merchant, generally an importer who has a branch of his mercantile house in this country and in the country from which his goods come.

I would not dare, sir, to make this very startling, nay, wonderful and almost incredible statement as to these frauds of undervaluation and false invoices were I not fortified by proof which I bring to the attention of the House, premising only that great as are the frauds with all possible penalties, seizure of books, and moieties to informers, and all the safeguards that the experience of the custom-house officers of England and this country has enabled us to throw around the revenues of the United States, these safeguards and penalties and hindrances to frauds have by the bill of the Committee on Ways and Means almost every one of them been removed.

Now to the proof. Let us take a manufacture which has but just begun in this country.

#### WORSTED STUFFS.

Fraudulent undervaluations in worsted stuffs of all kinds sent from England to the United States are simply enormous, as the subjoined examples will demonstrate:

Combed, not milled, worsted stuffs exported from Great Britain in one year, total number of yards, 154,206,478. Of these there were sent to the United States 48,542,218 yards; to other countries, 105,664,260 yards. Total value as declared in the invoices to the United States, \$10,324,741.24; to other countries, \$33,331,100.44. Average invoice value per yard to the United States, 21 cents; to other countries where there is no tariff of duties, 39.7 cents. Difference, or undervaluation, 47 per cent. Estimated annual loss on duties on this single class of goods, \$3,007,190.40.

#### OTHER WORSTED STUFFS.

Total exported in five months, 85,299,174 yards; to the United States, 28,442,728 yards; to other countries, 56,856,449 yards. Total declared value to the United States, \$5,073,975.28; to other countries, \$18,038,050.80. Average per yard to the United States, 18 cents; to other countries, 31½ cents. Difference, or undervaluation, 45 per cent.

#### LINENS.

Exports in one year to the United States, 70,234,347 yards; total declared value, \$10,507,790.04. Average invoice value, 14.9 cents per yard. Exports same year to France, Prussia, and Spain, 7,404,154 yards; total declared value, \$1,646,214.72; average invoice value, 24.8 cents per yard. Difference, or undervaluation in linens, sent to the United States, 43 per cent.

#### LINEN YARNS.

Total exported in one year, 34,002,479 pounds; to the United States, 1,247,457 pounds; to other countries, 32,755,022 pounds. Total declared value to the United States, 24 cents per pounds; to other countries, 35 cents per pound. Undervaluation on yarns sent to the United States, 32 per cent.

#### LINEN DAMASK AND DIAPER.

Exported to all countries in one year, 1,397,077 yards; to the United States, 1,267,390 yards; to other countries, 129,687 yards. Total declared value to the United States, \$413,311.80; to other countries, \$56,081.08. Average per yard to the United States, 32 cents; to other countries, 43 cents. Undervaluation, 26 per cent.

The undervaluation in the exports of carpets from the looms of Kidderminster, Halifax, &c., is enormous. In bags, leather, gloves, percussion caps, &c., the same ratio of undervaluation is shown to exist as in fact it does with all articles paying an *ad valorem* duty.

The whole needle trade of Redditch and vicinity is carried on on a similar basis. It is like other branches of our foreign trade entirely in the hands of the foreign manufacturer and his resident agent or partner here, thus defying detection and exposure except by the greatest skill stimulated by the highest rewards. Certain it is that all articles of foreign manufacture and importation shipped to the United States are in quality and cost far better than the average shipped to other countries, and therefore the average rate of invoicing should be much higher for the United States, whereas as we have seen it is vastly lower. This fact, therefore, clearly demonstrates such undervaluation is done for the sole purpose of defrauding our revenues.

To show the accuracy of the conclusion it is only necessary to turn to articles which pay purely specific duties. By their undervaluation nothing is to be gained. Take for example—

#### COTTON GOODS.

Total of heavy printed cotton exported in the same year as above from Great Britain, 715,559,642 yards; to the United States, 27,384,430 yards; to other countries, 688,175,212 yards. Total declared value to the United States, \$3,258,229.92; to other countries, \$72,224,682.20. Average per yard to the United States, 11½ cents; to other countries, 10½ cents.

#### LIGHT PRINTED COTTONS.

Total exported same year, 141,604,328 yards; to the United States, 9,324,688 yards; to other countries, 132,279,640 yards. Total declared value to the United States, \$1,151,591.88; to other countries, \$13,985,843.08. Average per yard to the United States, 12 cents; to other countries, 10 cents.

Here it will be seen that as soon as we approach goods paying exclusively a specific duty the average rate of invoicing is higher to the United States than to other countries, proving that a better class of goods generally is sent here than to other countries, and leading to the inevitable conclusion that the same difference of higher rates of invoicing would prevail in worsteds, linens, carpets, &c., if they also paid a specific instead of an *ad valorem* or mixed duty. The same facts are true regarding imports from other countries.

The Committee on Ways and Means may reply to this—which would be the fact—that they have not had these statistics before them. Certainly not. If they have, their report does not show it. They have examined only cases of individual merchants to find out if the laws have worked supposed hardships, and not the case of the people, to see how they are defrauded. The committee put forward most prominently of all, as example of the hardship of the law upon honest men, the case of Phelps, Dodge & Co., making the case of that firm the ground-work for all their recommended legislation; and in their report, and in the debate which followed, and which for days members of the committee had substantially to themselves, no one has uttered a word of animadversion upon Phelps, Dodge & Co. No harsh language is used; all that is reserved for the officer who

brought their pleaded guilt to light. In the course of the evidence, as taken before the committee, there seems to be a studied and careful attempt that that firm shall appear to the country as honest and injured merchants, who had, by the devices of the officers of the Government, been robbed of a very large sum of money. All the lawyers and chairmen of boards of trade, and there were many, made it the ground-work of their attacks upon the revenue laws. It went forth as the *cheral de bataille* of those who desired to take off all effective penalties to prevent frauds in the collection of the revenue.

The facts of this case, as stated by Mr. Dodge, the senior partner, whose testimony as a witness occupied longer time than any other witness save one, and to make room for whom the representative of the National Board of Trade gave way, are these. (Let us premise by saying, however, that none of the active junior partners of the house who swore to the invoices, and were charged with committing the frauds, were sent for by the committee.) Phelps, Dodge & Co., a firm of many years' standing, who had imported between "three and four hundred million dollars' worth of goods, and had paid the United States Government more than fifty millions of duties," very honest—giving the very language of Mr. Dodge—"I will say it with perfect confidence that our good name and our integrity were never assailed in these many years until it was assailed by the Government"—meaning the charge, made by a special agent of the Treasury, of false valuation in December, 1872. Mr. Dodge again reiterates that statement: "The first knowledge or hint in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty was, when sitting at the board of one of our large institutions, I received a note from my partner, asking me to come to the custom-house," (in December, 1872;) that thereupon he went, and found his firm accused of having many invoices for five years—which was as far as the Government could go back on account of the statute of limitations—sworn to at a false valuation, for the purpose of defrauding the revenue; and that the books and papers of the firm touching those importations would be seized if not voluntarily produced to the officers. Thereupon, yielding to the necessity, his books and papers were produced, and from those books and papers the special agent of the Treasury made up an account, first, of \$260,000, but afterward coming up to the enormous sum of \$271,000, the amount of articles in the invoices in which "simple mistakes" only, as Mr. Dodge now declares, had been made in stating their value, by which the Government had lost duties to the amount of some sixteen hundred dollars only. But Phelps, Dodge & Co., fearing that these "simple mistakes" would hold them guilty in a court, and being "subject to a system of terrorism" which they could not withstand, in order to save themselves from the oppressions of the Government officials, in entire consciousness of integrity and innocence of all intended or actual wrong, after they had taken counsel of four most eminent lawyers, and after reflecting upon the subject for more than six weeks, made an offer of compromise of penalties for the crime of importation by false invoices, which they confessed in writing they had done, and paid this very great sum of money into the Treasury, as penalty.

This is the statement, in brief, as Mr. Dodge puts it forward in connection with the record. He admits that the house of Phelps, Dodge & Co. has had, for many years, a branch house in Liverpool—Phelps, James & Co.—which was substantially the same in interest as the house in New York, composed of the same Phelps and the same James as the house in New York. To exclude all conclusion that this Mr. James of this firm in Liverpool did any wrong, Mr. Dodge tells us that Mr. James joined the firm and removed to Liverpool—

Where, for over forty years, he has been the resident partner, sustaining the character of a high-minded, respected, and honorable merchant, and for a number of years past the oldest American merchant in England; his name a synonym of honesty and uprightness, and shedding a luster on his own country and American merchants; gratified by the honors conferred abroad, but ever looking with pride, as an American citizen, for protection to his own country. In all this time not a question had ever arisen as to the vast shipments made to the house in New York. On entering his office one day in December, 1872, he found the following dispatch, in leaded lines, in the newspapers:

"PHELPS, DODGE & CO., NEW YORK.—This great firm have had their books and papers seized by the United States for alleged frauds on the revenue to the amount of \$1,750,000."

I will not attempt to describe the feelings of such a man. I will simply say that the shock came well-nigh killing him; nor has he ever entirely recovered. He felt that a life long reputation, dearer to him than aught else, had been struck down, in a moment, by his own Government, on which he had depended for protection. He had passed his three-score and ten until then with an unblemished character, and felt that, at least, he had a right to demand that he should be "considered innocent till proved guilty." Can a law liable to produce such results be just?

If this account of Mr. Dodge is in the main true; nay, if it is found to be true in any substantial portion; if his firm had maintained always a name for integrity and honesty of dealing with the Government; if his statement about Mr. James be true, that "in all this time not a question had ever arisen as to the vast shipments made to the house in New York," then I agree "that a law liable to produce such results not only is unjust" and should be repealed, but that it is the duty of the United States Government to condignly punish the officers who have done so gross a wrong to such honorable men, and not only to repay them the money that has been extorted from them, but to give them a very large sum as some slight reparation for the unqualified wrong and unheard-of injury without just cause committed upon them. But if all these statements are not true, in substance or in fact; if the whole story in all its essential parts is as false as the perjured invoices under which Phelps, Dodge & Co. pleaded guilty that they passed their

goods without tax into the country, then the law that catches perjured counsellors and smuggling villains and punishes them, however severely, ought to be sustained and made more stringent, not less.

The first statement of Mr. Dodge which challenges attention is whether the house in New York and Liverpool has, until the latter part of December, 1872, always borne this unblemished reputation without fault or blot, which he states; and have the dealings of that house with the Government been always just and true, as Christian "merchant princes" ought to have dealt with the Government? Because, if that be so, it can hardly be believed that for a comparatively small sum of money a house of such wealth and good repute has suddenly become so vile and so criminal as they confessed themselves to be in their letter to the Secretary of the Treasury when they desired to "settle" with the Government for their crimes. If, on the other hand, it is found that this firm have been cheating this Government for long years, then we shall conclude that they have only been caught at their old tricks.

Now, Mr. Speaker, it is a notorious fact to everybody having to do with importations in New York officially for many years past that the house of Phelps, Dodge & Co. have been confessed to be guilty of the most petty and outrageous smuggling, taking advantage of all technical points to get their goods in without paying duties that could be most ingeniously conceived.

A harsh accusation this, you say. Yes, and one that ought not to be made unless it can be made good. Well, then, sir, many years ago, since the forty years that Mr. James has been resident partner of the house in Liverpool and interested in the house in New York, during which time Dodge says not a question has been raised as to the vast shipments of this house, and since Phelps, Dodge & Co. have been one of the largest importers in the country of lead, tin, and other metals, the Congress of the United States passed a law to encourage American art, a law which in various phases you will find on your statute-books as the tariff was revised from time to time, which was in effect that statuary of American artists should come in free. Whereupon this firm, of which Mr. James, this "honest, honored merchant," was resident partner and consignor, had hundreds and thousands of tons of lead and block-tin and copper cast into statuettes of the Goddess of Liberty and Washington and Jefferson, and imported them into this country as works of American art, thereby escaping the duty. But when here they were taken from the hold of the vessel to the warehouse, and from the warehouse went to the melting-pot, being sold to their customers for pig-lead and tin.

Now, right here, I challenge any honest, just-minded man to look me in the face and say that an "honest merchant" or a "Christian gentleman" ever did such a thing to cheat his government, whether a James of Liverpool or a Dodge of New York. And yet this Dodge tells us that the "first knowledge or hint, in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty" was in December, 1872. Was that true? So far from its being true, Mr. Speaker, Congress had to change this very law about American statuary on account of these fraudulent importations and cheating of the revenue of which I have spoken by this very firm; and this firm was accused of this fraud upon the revenue on the 1st day of March, 1865, on this very floor. I send to the Clerk to be read an extract from the Congressional Globe of that date, part two, second session Thirty-eighth Congress, page 1255. The fifth section of the tariff bill was under discussion, and was as follows:

And be it further enacted, That the term statuary, as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

Mr. KERNAN. I desire some explanation of this section. I should like to know what this unprofessional statuary is. Has this provision reference to those people who import leaden statues of Liberty, &c.?

Mr. MORRILL. I may state, in brief, that it has been found that parties have in many cases evaded the payment of duties by importing articles in the form of statuary when they could not legitimately rank as such. In some instances lead has been thus imported to a large extent. We had a law by which statuary was admitted free; and statues of the "Father of his Country" and of the "Author of the Declaration of Independence" were brought over in that way. I believe that the gentleman is answered.

Mr. ELDRIDGE. I would like to know from the gentleman from Vermont whether this does not refer to one particular firm. I want to know whether this does not refer to PHELPS, DODGE & CO., and that firm alone.

Mr. STEVENS. When statuary was admitted free we had statues of Webster and Clay and others in copper and lead imported, and so soon as they were landed and taken out of the custom-house they were melted down. IT WAS A FRAUD UPON THE REVENUE.

Mr. ELDRIDGE. What firm did that?

Mr. STEVENS. Phelps, Dodge & Co.

Now, as Mr. Dodge himself came into Congress as a member of this House at the very next session, one would have supposed that he would have arisen to explain if this very grave charge upon the president of the Young Men's Christian Association was not true. So far the record. I am told, and I believe, that there are men in this House who know the fact that Mr. Dodge himself admitted before the Committee of Ways and Means of a former House, when questioned, that these importations were made. The fact never has been denied, and can be easily substantiated. Imagine the fine feelings of this old Mr. James, the "honored merchant" of Liverpool, when he was loading up this fraudulent statuary to cheat the revenue of his country!

I have no doubt that it was quite true, as Dodge states, that when James heard that Phelps, Dodge & Co.'s books had been seized in New York in 1873 he nearly fell dead, or that it almost killed him, for he knew how fraudulent their acts were, and always had been, and feared



the consequences. There was a merchant of high standing in Boston not many years ago who, when charged with frauds upon the revenue, made confession by committing suicide.

Importing of lead and tin and copper in the form of statuary was by no means the most serious attack of this firm upon the revenues of the Government for their own benefit. Cast your mind back, Mr. Speaker, to April, 1864, the very darkest hours of the war, when Grant was reorganizing the Army of the Potomac for his march on Richmond; when every patriotic man was preparing himself for the final great struggle; when the nation needed every dollar that it could command, and when it became necessary to add one-half to our revenues by taxation to sustain our falling credit, with gold at 180. What shall we say of a firm which in that trying hour of the nation's peril exercised its infernal ingenuity in devising ways and means to defraud our impoverished Treasury of millions, and succeeded in so doing?

To meet the exigency we were obliged to pass a joint resolution providing that until the end of sixty days 50 per cent. of the rates of duties imposed by law should be added to the then present duties and imposts on all goods, wares, and merchandise, so that we might have time in which to adjust the tariffs; and then, just sixty days from that time, to wit, on the 30th of June, we passed an "Act to increase the duties on imports." It covered nearly all importations, and, among other things, it provided—

On tin plates, and iron galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

At this time, if ever, Mr. Speaker, it became all patriotic men, all lovers of the country, to do everything that possibly could be done to aid the revenues of the country, to sustain its credit and enable the soldiers to receive their pay, and to support the armies in the field. Let us see, then, what the course of this firm of Christian merchants, Phelps, Dodge & Co., was in that crisis of their country's need. They were the largest importers of tin plates in the country, and that article is one of the largest of their importations. As we shall see in a moment, it ought to yield a large revenue. The duty upon it at that time was 25 per cent. *ad valorem*, which would be about 1½ cents per pound. It was the intention of Congress to increase it; therefore they enacted that "on tin plates, and iron galvanized or coated," &c., there should be a duty of 2½ cents a pound. But Mr. William E. Dodge went to the Treasury Department of the United States, in his own person, as I have the means of showing, and there advocated a reading of that law which was sanctioned neither by the letter, text, spirit, nor meaning, nor by the true and just thought of any patriot. He procured an opinion from the Treasury Department by which the comma was construed to be removed after the word "plates" and inserted after the word "iron," so as to make it read:

On tin plates and iron, galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

So that, with that construction, the duty had not been raised on tin plates at all, but only on "galvanized" tin plates. Who ever heard of a galvanized tin plate? None was ever imported, I venture to say, or ever will be. The consequence was, that all the tin plates imported into the United States, of which Phelps, Dodge & Co. were by far the largest importers, came in at 25 per cent. *ad valorem* instead of 2½ cents a pound, which was a very large increase of duty. I send a table to the Clerk to show how this would operate in favor of Phelps, Dodge & Co. I have not been able to obtain the statistics of their importations in 1864-'65, but I have their importations for 1870-'71, in which, taking the average both of weight and value, the following result is shown.

The Clerk read as follows:

*Imports of tin plates by Phelps, Dodge & Co. for the year 1870-'71.*

1870, (boxes) .....	585, 378
1871, (boxes) .....	734, 112
Total, (boxes) .....	1, 319, 490
Average weight, (pounds,) say .....	125
Total weight, (pounds) .....	164, 936, 250
Duty, (cents) .....	2½
Total duty .....	\$4, 123, 406.25

Total number of boxes, 1,319,490, at an average value of 22 shillings sterling per box, making \$1,451,439; equal in United States gold to \$7,024,965; duty at 25 per cent., \$1,756,241.

RECAPITULATION.

Amount of duty at specific rate of 2½ cents per pound .....	\$4, 123, 406
Amount of duty at <i>ad valorem</i> rate of 25 per cent. ....	1, 756, 241
Difference in favor of importer .....	2, 367, 165

Mr. BUTLER, of Massachusetts. Showing, it seems to me clearly, even admitting that my average may be considerably out of the way, a difference of at least 100 per cent. in favor of the *ad valorem* rate.

Whether that average value is precisely correct or not is of no consequence, because it would not substantially vary the figures, and that shows that in 1870-'71, and every other year from 1864 until the change of the tariff on June 6, 1872, would make a difference in favor of Phelps, Dodge & Co. and against the United States by this change of the law at the personal solicitation of William E. Dodge with the Treasury officers of the United States of \$2,367,000, and over four mil-

lions annually, taking the whole importation of the United States during that eight years.

We have heard, in the matter of the duty on fruits, the earnest denunciations of the Committee on Ways and Means of the Treasury Department for not paying attention to the position of a comma, by which \$300,000 were refunded; but the Committee on Ways and Means have told the House nothing of the effect in favor of Phelps, Dodge & Co., not solely of looking out for a comma, but the deliberate taking of a comma from one part of a law, where it had been placed by Congress, and putting it in another place where there was none, by which quite four millions of revenue were lost to the Government annually during a period of eight years, and that in favor of the fraudulent importer. In verification of this, I send to the clerk a letter of the Secretary of the Treasury of July 22, 1864, and I beg him to read the portion between the brackets.

The Clerk read as follows:

Sir: Your letter of the 12th instant is received, requesting to be instructed in writing in relation to the proper construction of the language of the second paragraph on the ninth page of the printed tariff of June 30, 1864, viz: "On tin plates, and iron galvanized or coated with any metal by electric batteries, or otherwise, 2½ cents per pound."

It would appear that an error of punctuation has been made by some one; most probably by the clerk who engrossed that part of the act. If the comma which is inserted after the word "plates" be omitted, and a comma placed after the word "iron," the true sense will be had, which unquestionably is, that the tin plates, as well as the iron, must be galvanized or coated with any metal by electric batteries, or otherwise, in order to bring them within the provision.

Mr. BUTLER, of Massachusetts. And that construction remains even unto this day. For we find in the authorized tariff of the Treasury Department, published after the act of June 6, 1872, which took off 10 per cent. from the duties, the following remarkable announcement:

Tin plates, galvanized or coated with any metal otherwise than by electric batteries, 2½ cents per pound. Ordinary tin plates, or tins other than the above, 15 per cent. *ad valorem*.

And yet, with this vast fraud upon the revenue by this firm staring them in the face, if they had chosen to examine it, the Committee on Ways and Means have recommended the diminution of duty on tin plates, upon the petition of Phelps, Dodge & Co., to 1 cent per pound, and passed the bill through under suspension of the rules.

Mr. DAWES. No, sir; one cent and a quarter, against their protest. Mr. BUTLER, of Massachusetts. Ah! One cent and a quarter. Which was against their protest, the one cent or the quarter cent?

Mr. DAWES. I gave you a fair answer, sir. Mr. BUTLER, of Massachusetts. Certainly, sir. I suppose you would not give any other. What made you think you would?

Mr. DAWES. You did not treat it fairly. Ordinarily such an answer would be fairly treated.

Mr. BUTLER, of Massachusetts. Wait a moment. I will read the memorial sent to Congress on this subject:

To the honorable Finance Committee of the Senate and House of Representatives of the United States:

Your memorialists—merchants, importers, dealers, and workers of tin plates—respectfully request that you will consider the expediency and recommend to Congress the conversion of its present *ad valorem* duty on the import of tin plates into a corresponding and equivalent specific duty, as a measure calculated to simplify and increase the collection of customs revenue.

The importations of tin plates during the last two fiscal years were in value as follows:

1872.—Amount in value imported .....	\$13, 312, 428
1873.—Amount in value imported .....	14, 993, 650
Total value .....	27, 306, 078

That with an *ad valorem* duty of 15 per cent. the accruing revenue would have amounted on this importation to \$4,095,761.70.

But the actual weight imported during the above two years was:

1872.—Gross weight, including boxes .....	Pounds. 299, 671, 640
1873.—Gross weight, including boxes .....	314, 069, 374
Total pounds .....	423, 741, 014

which import, at a specific duty of one cent per pound gross weight, (or including the weight of the packages,) would have yielded a revenue of \$4,237,410.14. The difference in two years' revenue receipts, therefore, between the present *ad valorem* and the recommended specific rate of duty, would have been only \$141,648.44, or about \$70,000 per annum, and that \$70,000 in favor of the revenue.

Who do you suppose signed this memorial? The first signature is that of Phelps, Dodge & Co., of New York.

Mr. DAWES. But you said that we passed through here a bill making the duty one cent a pound, on their petition. Now look at the bill, and it will show that the duty as fixed by this House was one cent and a quarter per pound, which is an increase over the present tariff; and that is their complaint which they have carried to the other end of the Capitol.

Mr. BUTLER, of Massachusetts. And have got it down there, I believe, to one and one-tenth of a cent.

Mr. DAWES. No matter what they have got it down to there. Your charge was against the present Committee of Ways and Means.

Mr. BUTLER, of Massachusetts. They came here and asked for a duty of one cent per pound; and you put it upon tin plates, wooden boxes, iron packages, and all at one and a quarter. Is not that so?

Mr. DAWES. And does not that make more for them to pay?

Mr. BUTLER, of Massachusetts. Does it?

Mr. DAWES. Does it not make more to put the duty on the boxes as well as the tin?

Mr. BUTLER, of Massachusetts. No, sir. There is a specific duty now on the packages, which is not to be collected when you put on the duty by the pound. But however that may be, one cent and a quarter per pound is not two cents and a half.

Mr. DAWES. Your charge was against the Committee on Ways and Means. Will you please stick to that?

Mr. BUTLER, of Massachusetts. No, sir; I have got through with them for the present.

Mr. DAWES. Because you are answered.

Mr. BUTLER, of Massachusetts. The facts between us are all before the country.

Mr. DAWES. You ought to leave your statements as they are then.

Mr. BUTLER, of Massachusetts. Now, having disposed of that difference of a quarter of a cent a pound between me and the learned chairman of the Committee on Ways and Means, [Mr. DAWES,] I find I must hasten on.

Such being the undeniable recorded facts in regard to Phelps, Dodge & Co., what was the special agent of the Treasury to believe when he found them charged with fraud, especially when false and double invoices were produced to him in December, 1872? Why, he could not but believe that these men were continuing to take all manner of unfair, fraudulent, and swindling advantages of the Government, and doubtless he examined their books with that belief. And what did he find? He found that they had a corresponding house in Liverpool, and that that house was engaged in consigning invoices of tin plates to the house of Phelps, Dodge & Co. in this country daily, and sometimes three or four invoices per day; that in every case those invoices were sworn to as a purchaser's invoice—that is, that the goods had been purchased in open market by the house of Phelps, James & Co., and that the prices annexed to the articles therein were the true and genuine prices paid for them. But he found that in the only kind of tin plates in which they could cheat—because the prices of the ordinary kind of tin plates were as staple as gold eagles would have been if imported by that firm—in every instance they had a double invoice from the manufacturer, and that those specially large sizes of tin were not purchased by Phelps, Dodge & Co. or Phelps, James & Co. in open market at all, but were manufactured for those firms, which are one and the same firm; and that in every instance, when they swore they had bought these articles in open market, they swore falsely, and knew it, because they knew the article was manufactured to order for their firm, and they should have sworn to the cost price of the manufactured article, which he found each time had been in the possession of the firm before the oath was made, and it was a higher cost than the invoice price to which they made oath. So that they and those whom they employed had been guilty of deliberate and corrupt perjury every day in the year and every year of our Lord for the five during which the law allowed the officer to look back. And he found the evidence of that in this: That every one of these custom-house invoices, of which they had duplicates in the books of the firm, had a thin paper copy of the true manufacturer's cost pasted over it, in order that the firm might know how to sell at a proper price the goods which they had undervalued so as to smuggle them by false invoices into the country.

Under these circumstances the special agent reported to the Secretary of the Treasury the facts. Mr. William E. Dodge employed four lawyers—Mr. Abram Wakeman, a former surveyor of the port of New York, and a learned lawyer in revenue law; Mr. Henry E. Knox, candidate for supreme judge of New York; Judge Fullerton, the foremost criminal lawyer in the city of New York; with a gentleman who had been Attorney-General of the United States, as consulting counsel; and those lawyers, after examining his case carefully for six weeks, advised him three times over to offer to pay the value of every falsified-invoice article; which falsified-invoice articles amounted to more than a quarter of a million dollars—\$271,000, to get released from these frauds, and Mr. William E. Dodge and his partners, after full consultation, agreed to that proposition, nay, ardently desired it, and made a written statement to the Secretary of the Treasury that on account of "certain irregularities" which had been found in their business they were willing to pay \$271,000 to compromise a suit which the district attorney in the mean time had, at their request, brought against them for a million dollars, or less than two-thirds of the whole amount of their tainted or fraudulent invoices. That suit was brought in that form at the request of the counsel of Dodge, after the compromise had been agreed upon, in order that when that compromise should be accepted it might cover every claim for penalties against Phelps, Dodge & Co.

When the letter offering to pay that great sum came to the Secretary of the Treasury, GEORGE S. BOUTWELL, he wrote back in substance—all of which will be found in the testimony—"I cannot accept this compromise. I will not be put in the position which that offer will put me, of being a blackmailer. Either you have committed fraud or you have not committed fraud. If you have not committed fraud, you should not pay the Government anything. I will consider the question of compromise, but I cannot compromise under your statement that you are guilty of irregularities only." Thereupon that offer was modified by Phelps, Dodge & Co., after consultation with their four eminent counsel, who advised their client to plead guilty to a

suit charging them with importing goods to a million dollars in value by false invoices and fraudulent appliances; and thereupon Phelps, Dodge & Co. sent an offer of compromise, admitting their guilt individually and collectively, and renewing their offer to pay the \$271,000; and while the Secretary of the Treasury was considering it they withdrew the offer.

Meantime the matter had got into the newspapers; the Christian Association, of which Mr. William E. Dodge was a burning and a shining light, began to inquire, What manner of man is this who makes long sermons by day and prayers by night in the temples while his partners in business are accumulating his profits by daily and hourly perjuries and frauds upon the Government? And William E. Dodge wrote, as the testimony shows, to GEORGE S. BOUTWELL, and said to him in substance, "I withdraw my offer of compromise." He expected the Secretary to answer to that, "I cannot permit the withdrawal, as the matter is closed." Then Dodge would doubtless have gone away and said, "The compromise was inadvertently made, and when I went to withdraw it the Secretary took a snap-judgment upon me." But the Secretary, with his usual straightforwardness, wrote in substance: "Very well; if you think you are not guilty withdraw your compromise and go to a jury." So the compromise was withdrawn. Thereupon Dodge consults again with his four lawyers; and after nearly two weeks' delay he renews the offer and the money is paid. In order to break his fall he says to the Secretary, "The Government officers think that I ought not to withdraw the compromise, they having once accepted it I am bound to carry it out." What was the manly and honorable and straightforward answer to that of the Secretary of the Treasury? It was, "Mr. Dodge, if your action in renewing the proposition has been influenced by this representation, you will have an opportunity to consider the subject anew and take such course as you may think proper before final action by this Department." Finding no subterfuge would avail, Mr. William E. Dodge, with his four lawyers behind him, after weeks of such consultation and such shifts and such attempts at evasion as I have described, deliberately put on file a written statement admitting that his firm were guilty of the charges in suit; that by these false and fraudulent invoices the revenue had been defrauded; and paid \$271,000 in expiation of that guilt.

The SPEAKER. The hour of the gentleman has expired.

Mr. BECK. There are a number of gentlemen who want to speak; I am pretty early on the list myself. I am perfectly willing that half of my time should be taken by the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. ELLIS H. ROBERTS. I want to have it understood whether this argument is to be all on one side, and all to be made by the gentleman from Massachusetts?

Mr. BUTLER, of Massachusetts. It is a great deal like the argument of the committee a few days ago; they had two days.

Mr. ELLIS H. ROBERTS. The gentleman from Massachusetts had been three times invited to be present and take part in the discussion. All I desire to know is whether or not other gentlemen are to succeed the gentleman from Massachusetts, or will members of the Committee on Ways and Means have an opportunity to be heard?

Cries of "Go on." "Go on."

Mr. BUTLER, of Massachusetts. I am in the hands of the House.

Mr. ELLIS H. ROBERTS. I do not object to the gentleman's going on. But I desire to have it understood that there are two gentlemen other than members of the Committee on Ways and Means who are to speak after the gentleman from Massachusetts gets through and before any member of the Committee on Ways and Means can be heard.

Mr. BUTLER, of Massachusetts. I do not care who speaks after me.

Mr. FOSTER. We want this matter understood. If those two gentlemen who have the floor after the gentleman from Massachusetts gets through are to speak an hour each that will make a great difference.

Mr. BUTLER, of Massachusetts. I do not know how long they will speak. But if you will allow me to go on, we are wasting good time here.

The SPEAKER. The gentleman from Massachusetts is not entitled to the floor any longer except by some arrangement that may be made. The rules of the House are specific that no gentleman shall speak more than one hour.

Mr. FOSTER. Who will follow the gentleman from Massachusetts?

The SPEAKER. There has been a list made out—

Mr. COBB, of Kansas. I move to suspend the rules in order that the time of the gentleman from Massachusetts may be extended.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. FOSTER. I want to have this thing understood.

Mr. BUTLER, of Massachusetts. I want it understood, too.

Mr. FOSTER. I do not object—

Mr. BUTLER, of Massachusetts. Why do not you keep quiet, then?

The SPEAKER. The Chair thinks that it would be only the ordinary fairness of debate that members of the Committee on Ways and Means should have the right to follow the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I have no objection to that; I only wish they would not interrupt me now.



Mr. GARFIELD. I understand that the gentleman from Kentucky [Mr. BECK] has yielded the half of his hour to the gentleman from Massachusetts.

Mr. BECK. If I have an hour I will yield the half of it.

Mr. GARFIELD. If that is the case then I do not think there need be any trouble.

Mr. NIBLACK. The gentleman from Massachusetts was ill when this debate was going on. We all wanted to hear him then, and I hope he will be permitted to proceed now.

The SPEAKER. Is it understood that the gentleman from Massachusetts [Mr. BUTLER] has the floor indefinitely, or for only a specific time?

Mr. DAWES. I understand that the gentleman has half of the hour of the gentleman from Kentucky.

Mr. BUTLER, of Massachusetts. I have that much; I do not know how much more.

Mr. MAYNARD. Is there not some way to settle this matter by some motion?

Mr. BUTLER, of Massachusetts. I have eleven to one to speak against me; I do not care about this thing, however.

Mr. TOWNSEND. I believe that my name is next on the list on the Speaker's table. I am willing to give at least twenty minutes of my time to the gentleman from Massachusetts.

Mr. MAYNARD. I would ask the gentleman from Massachusetts how much more time he wants?

Mr. BUTLER, of Massachusetts. Not much more; but I do not want to feel cramped for time.

Mr. MAYNARD. Then I move to suspend the rules so that the gentleman from Massachusetts may have another hour.

Mr. FOSTER. There is no need of making that motion.

Mr. FORT. I hope the motion will be put.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended.

[The announcement of the result was greeted by applause on the floor and in the galleries.]

The SPEAKER. It is a gross infraction of the rules of the House and of decency for the galleries to manifest approbation or disapprobation of any action of members of this House. And the Chair will put in active effect his power to clear the galleries if this is repeated. The slightest manifestation of applause or disapprobation will cause the galleries to be cleared.

Mr. BUTLER, of Massachusetts. Phelps, Dodge & Co. paid the \$271,000 in expiation of that guilt. And yet we are told "all merchants are honest," and Phelps, Dodge & Co. are the very princes of merchants. Nay, Mr. William E. Dodge claims he comes here before your committee, as I understand, as president of the Chamber of Commerce of the city of New York, as the exemplar of the merchant, as a dealer in hardware ties up his goods and puts a specimen pair of shears on the outside, so that we may know the quality of the cutting instruments inside without opening the package.

To show you that I cannot be mistaken in this matter, I have caused to be prepared and will send to the Clerk to be read a table showing how frauds on the revenue have grown up and how necessary these penalties are to their detection and punishment. It appears that in 1792 the whole amount of forfeitures, fines, and penalties derived from the frauds of the merchants of that period was \$118; in 1797, \$220; in 1798, \$8; and in 1873, it was \$1,261,175.

The Clerk read as follows:

*Statement of the annual receipts from customs, and from fines, penalties, and forfeitures, from March 4, 1789, to June 30, 1873.*

Years.	Customs.	Fines, penalties, and forfeitures.	Percent- age.
1791	\$4,399,473 09	\$311 00	
1792	3,443,070 85	118 00	
1793	4,255,306 56		
1794	4,801,065 28		
1795	5,588,461 26		
1796	6,567,987 94		
1797	7,549,649 65	220 00	
1798	7,106,061 93	8 00	
1799	6,610,449 31	16,421 81	.024
1800	9,080,932 73	14,019 84	.015
By decade	50,402,458 60	31,098 65	.0052
1801	10,750,778 93	2,492 54	.0023
1802	12,438,235 74	1,971 96	.0016
1803	10,479,417 61	1,039 00	.001
1804	11,098,565 33	2,504 44	.0021
1805	12,936,487 04	1,359 17	.001
1806	14,667,698 17	363 14	
1807	15,845,521 61	1,764 77	.0011
1808	16,363,550 58	4,972 00	.003
1809	7,257,506 62	176 00	
1810	8,583,309 31	748 80	.00087
By decade	120,421,070 94	17,391 82	.0014
1811	13,313,222 73	11,125 24	.0083
1812	8,958,777 53	1,190 00	.0013
1813	13,224,623 25	2,256 21	.0017
1814	5,998,772 68	2,536 13	.0042
1815	7,222,942 22		

*Statement of the annual receipts from customs, &c.—Continued.*

Years.	Customs.	Fines, penalties, and forfeitures.	Percent- age.
1816	\$36,306,874 88	\$2,085 00	.00054
1817	26,283,348 49	5 25	
1818	17,176,385 00	577 60	.00033
1819	20,283,608 76	2,120 89	.001
1820	15,005,612 15	105 97	
By decade	163,834,167 09	22,002 20	.0013
1821	13,004,447 15		
1822	17,589,761 94	173 72	
1823	19,088,433 44	10 00	
1824	17,878,325 71		
1825	20,098,713 45	3,411 06	.0015
1826	23,341,331 77	1,382 44	.0006
1827	19,712,293 29	157 45	
1828	23,205,523 64	1,339 41	.00057
1829	22,681,965 91	2,704 32	.0012
1830	21,922,391 39	359 21	
By decade	198,523,177 69	9,537 61	.00047
1831	24,224,441 77	4,995 37	.002
1832	28,465,237 24	8,868 04	.0031
1833	29,032,508 91	2,889 84	.00099
1834	16,214,957 15	2,464 00	.0015
1835	19,391,310 59	2,156 76	.0011
1836	23,409,940 53	3,390 05	.0014
1837	11,169,290 39	993 56	.00089
1838	16,158,800 36	1,366 14	.00084
1839	23,137,924 81	2,976 18	.0013
1840	13,499,502 17	5,316 76	.0039
By decade	204,703,913 92	35,416 70	.0017
1841	14,487,216 74	6,681 41	.0046
1842	18,187,938 76	1,592 44	.00087
1843	7,046,843 91	288 99	.00041
1844	26,183,570 94	9,180 99	.0035
1845	27,528,112 70	145 54	
1846	26,712,667 87	2,049 13	.00076
1847	23,747,864 66	13,318 65	.0056
1848	31,757,070 96	6,510 92	.002
1849	28,346,738 82	11,155 97	.0039
1850	39,668,686 42	9,224 46	.0023
By decade	243,606,681 78	60,148 50	.0024
1851	49,017,567 92	10,776 93	.0022
1852	47,339,326 62	13,049 71	.0027
1853	58,931,865 52	5,441 09	.00092
1854	64,224,190 27	5,702 54	.00088
1855	53,025,794 21	33,645 53	.0063
1856	64,022,863 50	19,346 95	.003
1857	63,875,905 05	9,169 39	.0014
1858	41,789,620 96	26,432 90	.0065
1859	49,565,824 38	19,468 67	.0039
1860	53,187,511 87	34,305 69	.0064
By decade	544,980,470 30	177,339 40	.0032
1861	39,582,125 64	15,389 77	.0038
1862	49,056,397 62	17,963 76	.0036
1863	69,059,642 40	139,174 05	.02
1864	102,316,152 99	446,265 22	.043
1865	84,928,260 60	413,713 97	.049
1866	170,046,651 58	534,227 34	.039
1867	176,417,810 88	455,908 13	.026
1868	164,464,509 56	818,054 83	.05
1869	180,048,426 63	893,045 08	.045
1870	194,538,374 44	576,238 22	.03
By decade	1,239,458,442 34	4,219,980 37	.0035
1871	206,270,408 05	1,028,416 67	.049
1872	216,370,286 77	722,284 76	.033
1873	188,089,522 70	1,261,175 51	.067
For three years	610,730,217 52	3,011,876 43	.049
Total	3,385,720,600 18	7,584,791 77	.022

NOTE.—The percentage column shows the fractional part of 1 per cent. of the amount received from fines, penalties, and forfeitures on the whole amount of customs. In the years omitted the percentage is so small as to be insignificant.

Mr. BUTLER, of Massachusetts. Is anything more needed to prove that the dishonest importer, with his false invoices, his branch on the other side to undervalue his goods, his false appliances to deceive the customs officers, has quite driven the honest merchants out of the business and left it in hands such as these?

Men of the House of Representatives, it is to shield such as these that we have voted to take off the penalties imposed upon defrauders of the revenue by false invoices and smuggling importers! Let me not be misunderstood. This experiment must be tried before the people will understand how greatly they are defrauded and wronged. I do not oppose its trial. If I had intended to have done so I should have begun my opposition earlier. The result will be that you will find a great diminution of your revenues in the coming year. You will be called upon to pass laws to raise more revenue at the next session; and I have no doubt that the committee will recommend to put the tax on tea and coffee and on friction-matches, and the com-

forts and necessities of the people. Instead of that, if I am here, I shall ask you so to adjust the penalties for defrauding the revenue, and make them so stringent, and so sustain and reward the officers who fearlessly do their duty, that upon the silks, the worsted stuffs, the laces, the satins, the jewels and the velvets, and the plate-glass, and the luxuries of the rich, such tariff may be honestly collected as will pay the expenses of the administration of your Government from the coffers of your Treasury.

I might well stop here, but there is another branch of the system of collecting Government dues by giving moiety which naturally ranges itself alongside the customs moiety. The practice of the Treasury Department for many years, without the sanction of law, until the 8th of May, 1872, of collecting delinquent taxes and old claims and debts due the United States, that had passed out of the usual channels of administration for years, was by giving a contract for moiety to the informer or collector. One of the earlier Secretaries who found the necessity of it was Mr. Guthrie, of Kentucky, and it began with his administration of the Department. It has been continued by every Secretary thereof downward until Mr. BOUTWELL came into office, who wholly refused to give out such contracts until they were sanctioned by law. Congress passed such law in 1872, and under it several contracts were made which proved fruitless. Finally a contract was given to Mr. John D. Sanborn, under which, in nine months, he collected \$427,000 of delinquent and withheld taxes, and received one-half, he paying all the expenses.

These delinquent taxes arose in this way: There was a tax upon estates of deceased persons, but the law was repealed in 1870. Another class of these delinquent taxes were taxes upon dividends by railroads and other large corporations. The law for these also was repealed at the same time. There was another tax upon incomes of men who had large revenue and had neglected or refused to return them and pay the tax as was their duty by law to do, and the law for that tax had been also repealed. The law establishing the office of assessor had also been repealed, and as the collector's duty had been only to collect the list of the taxes given him by the assessor, and as indeed it was in doubt whether the taxes could be collected at all without they were assessed, it will be seen that the whole of these classes of taxes were in danger of being wholly lost to the Government. So that the collection of these delinquent and past taxes had run down to substantially a nominal sum in comparison with their great amount, and this, too, without any special fault of the internal-revenue officers. Their collection could not be enforced without suits, and no revenue officer was authorized to incur that expense on behalf of the Government.

The amount of these taxes thus behind, and that had been behind for three or four years at the time Sanborn undertook his contract, is simply enormous. Sanborn testifies that he had knowledge of some five millions of income and other taxes due from property-owners in Europe, to get the data of which he had spent a large sum of money. I have in my hand—which I will make a part of the record—a list of taxes due from railroad companies still uncollected, the evidence of which has been fully investigated, but which the party giving me this list does not wish to disclose since the report of the committee repealing the law, because he says the knowledge has cost him money, labor, and time, and he does not choose to give it to the United States. I may say, however, that this person is *not* Mr. Sanborn; but I have no doubt of its entire accuracy.

*Amounts of withheld taxes due from railroad companies.*

One company.....	\$16,569 91
Do.....	25,413 82
Do.....	10,712 57
Do.....	10,118 91
Do.....	9,384 93
Do.....	49,727 40
Do.....	6,584 80
Do.....	60,503 41
Do.....	54,476 00
Do.....	49,052 00
Do.....	35,832 50
Do.....	175,454 00
Do.....	38,135 34
Do.....	250,000 00
Do.....	325,000 00
Do.....	475,000 00
Do.....	125,000 00
Do.....	450,000 00
Total.....	\$2,147,965 59

And these are but a small part of the sums behind, which are justly due the United States, and are of the same kind of taxes which honest men have been obliged to pay. Now the question is, whether it was well by moiety to collect these many millions of dollars which are owed to the United States by the dishonest men who have evaded and escaped, either those who have received legacies left by rich relatives or by corporations which have not made returns of their dividends or surplus profits, or by men who have received incomes in this country and have refused to make the returns thereof to the tax-gatherer; or shall we allow these vast sums to remain uncollected and the Government to be defrauded of them, or give a portion, and a large portion perhaps, to somebody who will bear the expense, give the labor, and bear the odium of enforcing their payment?

Sanborn was going on in good faith, as he testifies, having expended

the principal part of the very large sum of money which he received as moiety, the money which he did collect in gathering up information by which these debts to the Government might be collected; and he would have collected some millions if he had been allowed to pursue his investigations under the contract.

The Committee on Ways and Means have taken some three hundred pages of testimony; have examined everybody in every possible form, and they have failed to find any illegal act done by Sanborn in collecting these taxes, or that he ever attempted to collect any tax that was not due, or return any to any one of the revenue officers who offered to assist him that was not due, or that he failed to return to the Treasury any moneys collected. At least the report of the committee does not show the contrary. It is objected against him by the committee, among other things, that he put in a large number of railroads in his contract as defaulters when he had not examined the books of all of them. But he testifies that he had examined a hundred and fifty of them by himself and his agents, and he found every one of them delinquent in taxes to the United States, and he assumed that the others were in like condition. At least he thought it safe to swear that he believed they were, which was all that the law required when he made his affidavit to the Treasury Department.

Mr. Sanborn collected from the Delaware and Lackawanna Railroad Company the large delinquent tax, of years standing, of \$99,685.24; and the Committee on Ways and Means gravely report collusion with somebody in the Treasury in order to do that, because the very day after the check from the railroad company officer was sent Mr. Sanborn wrote to the Treasury that the check had been sent, and gave the number of the check. Now, your committee ask, how could Mr. Sanborn have known that unless he had been in collusion with somebody in the Treasury, because Mr. Odell, the treasurer of the railroad, swears nobody knew the amount of that check but the president of the road, himself, and his clerk. What a wise and penetrating committee; as only three persons knew of the check, and therefore a fourth person must have told about it!

Now it so happens, as I am informed, that this very clerk was the very man who gave Sanborn the information as to the delinquency of this railroad in its taxes, and the man, of course, who told him of the check which he as clerk had written. Any one who examines the testimony will come to the conclusion that this great amount never would have been collected, some of it having been for nearly four years overdue, if it had not been for the moiety system under which Sanborn was operating.

But there is one very curious fact about this delinquent tax of this railroad of nearly \$100,000, which shows how the fraud runs in a line through some men. It is said, "If you scratch a Russian you will find a Tartar underneath;" and it so happens if you scratch one of the firm of Phelps, Dodge & Co., you will always find a defrauder of the revenue, for it turns out that the chairman of the finance committee of this railroad which was delinquent in this \$100,000 tax was Mr. William E. Dodge, of the firm of Phelps, Dodge & Co., the "Christian gentleman" and the "honest merchant," whose firm imports as American works of art leaden statues of the Goddess of Liberty, even at the risk of having her nose bruised when she is thrown into the melting-pot to come out as lead pipe.

But it is not my purpose at this hour of the evening, nor would it be of advantage, to go into examination of this system of collection of delinquent taxes. It has been long in practice; it has commended itself to administrative officers heretofore; it has its uses; it has its defects and disadvantages; and although some four to six millions, which in my belief never will be got without it, might have been got under it, yet as the House has chosen to repeal it, and as it only deals with past debts and delinquent taxes, it passes out of the line of my duty as a legislator, especially as the whole internal revenues in the future do not depend in any degree upon it, as do our customs revenues upon the other part of the moiety system. It is well enough to try the experiment of repealing this law and finding out whether the Commissioner of Internal Revenue can make the collections. Nor is it my duty or purpose to defend Mr. Sanborn, whether he did well or ill. That is his affair. I did not promote his getting the contract. I had nothing to do with its fulfillment by him. If the law is an unwise one let it be repealed, and in that I have neither more nor less interest or wish than every other member of this House. But I take leave to say that it is not brave nor manly in those gentlemen who passed the law to make scape-goats of the officers who execute the law they passed.

The Committee on Ways and Means have spent several months and a large amount of money in seeming examination of the question of the propriety of the law, and if that time and money were spent in good faith to ascertain whether the law of May 8, 1872, giving the moiety contracts to those who should collect old debts ought to be repealed, it may have been well spent. If on the contrary this apparent purpose of investigation has only been to cloak another and a different one, carried on for political and personal purposes only, then the committee and the House may find that they have been made in this matter simply instruments to pander to the rivalries, hates, and ambitions of politicians, instead of carrying on a great work of necessary legislation.

I have some evidence showing that the whole Sanborn contract investigation was gotten up not exactly for those objects and those de-



signs which wise legislators and grave statesmen would willingly avow.

The first the country heard anything about these Sanborn contracts was that Mr. Sanborn was being indicted in Brooklyn by the district attorney of that district, one Tenney, about the 1st of February last. As soon as that was done and duly trumpeted in the opposition newspapers, Mr. Tenney, an office-holder under a republican administration and claiming to be a republican himself, sent his assistant district attorney here to one of the Committee on Ways and Means, a leading democratic member of the House, to have him bring the Sanborn-contract matter "to the front," Tenney having furnished him with the Brooklyn democratic papers which gave flaming and laudatory accounts of Mr. Tenney's able endeavors, as they termed it, to ferret out a great fraud on the Government. One item of evidence that I have of this fact is a letter of direction to his assistant, written by Tenney to his assistant, which I send to the Clerk to be read.

The Clerk read as follows:

LAW OFFICES OF TENNEY & HOLT,  
178 Broadway, New York, February 6, 1874.

FRIEND HUGHES: Do not fail to see Hon. JAMES B. BECK. He is a democratic member from Kentucky. He is member also of the Committee on Ways and Means. I have to-day sent him Union and Eagle. He is a powerful member of the democratic party, and will bring this Sanborn matter to the front. I think no news specially.

Yours, &c.,

TENNEY.

Mr. BUTLER, of Massachusetts. Now, if republican office-holders will put ammunition into the hands of democratic members on the Committee on Ways and Means with which to attack and break down the republican Administration, far be it from me to say one word in animadversion upon the conduct of that democratic member of the House who should make the best use he can of that information for that object. He should "bring it to the front," and charge upon the Administration, and attempt to show its great corruption and wrong-doings. He ought, if he is permitted so to do, to drive out of office its Secretary of the Treasury and its Assistant Secretary of the Treasury and its Solicitor of the Treasury, and show that they were all corrupt together and bad men. He should make violent and denunciatory speeches against the Administration, founded on the material that republican officers and a republican committee of the House will furnish him for that use. He does his duty, his full duty, in so doing as an opposition member of the House, and I applaud him for his ingenuity, his boldness, efficiency, and perseverance; and I congratulate him upon the result. It is not often that a republican committee of a republican House force a republican administration to allow a democratic member to carry off at his belt the scalps of three of its principal officers, including its Secretary of the Treasury, to gratify the ambition of one of its district attorneys, who wants to run for Congress on the opposition ticket, and has already driven his republican opponent from the track.

But what shall we say of a republican majority of a Committee on Ways and Means who shall allow themselves to be made the tools of an opposition member, to find him ammunition with which to wound, if not kill, their own Administration, if the only inducement to what they did was being blindly led by the superior wiliness of their democratic associate? But was that the mainspring of action on the part of all the republican members of the committee? Fourteen days after, to wit, the 20th of February, a letter was sent by the gentleman from Ohio, who reported the abrogation of the Sanborn contracts from the Committee on Ways and Means, to Supervisor Harmon, of Brooklyn, New York, the substance of which was sent to me under the heading "Copy of a letter picked up in the streets of Brooklyn, New York," which is as follows:

As a member of the Committee on Ways and Means he [FOSTER] had discovered the existence of the Sanborn contracts. At the same time he learned that indictments had been found in Brooklyn; that he prepared and offered the resolution calling on the Secretary for information; that he offered the resolution and General BUTLER objected to it. After this BUTLER came to him and asked him to offer the resolution again before the following Monday, expecting BUTLER to make a speech on it. In the meanwhile he [FOSTER] and General WOODFORD had agreed to reply to such speech if made and attack BUTLER; but General BUTLER withdrew his objection and said he hoped the House would pass the resolution, which surprised him and WOODFORD, especially himself, "as he had prepared himself to rap old Cock-eye."

Here you have the substance of a genuine letter which the gentleman from Ohio will not deny, especially the last phrase, because I told him one day that whatever he might say of me behind my back I wished he would not write of me that way, and I do not believe he will again.

Now, what could the gentleman from Ohio desire to "rap old Cock-eye" for? What had he done to the gentleman from Ohio? Had he ever interfered with him? Had he ever said an unkind word to him, or of or concerning him? I aver, from an intimate knowledge of that unfortunate individual with the defect in his eye, so delicately alluded to, that he had never entertained for that gentleman any but the kindest feeling. What personal grief he had, alas! I know not. From the time I got that letter I was utterly puzzled to know my imputed offense; but I got certain information, Mr. Speaker, afterward, embodied in the sworn testimony voluntarily sent me by the affiant, which the Clerk will read.

The Clerk read as follows:

CITY OF WASHINGTON, District of Columbia:

WARWICK MARTIN, of the city of New York, being first duly sworn, on oath deposes and says:

Being acquainted with some of the claims embraced in the so-called Sanborn contracts, I, after the investigation commenced in the Committee on Ways and Means, addressed Hon. HENRY L. DAWES and Hon. FERNANDO WOOD, of said committee, requesting to be summoned to testify in said case. I was not summoned; but having business in Washington, I came here on the 9th of April, 1874, and concluded to appear before said committee and testify, if permitted so to do. I stopped at the Ebbitt House, and there saw Mr. DAWES and informed him of my wish to appear before the committee. He said I should be permitted to so testify. Afterward on the same day, at the committee-room, Mr. DAWES notified me to be present in said room on the following morning at ten o'clock. I was in said room promptly at the time named. On my arrival at said room only one gentleman of the committee was present, whom I learned to be Hon. CHARLES FOSTER. Another gentleman whom I did not know, but who I supposed was a member of the committee, came into said room soon after my arrival, and he and Mr. FOSTER commenced conversation.

Mr. FOSTER said to him, in language which I distinctly heard, that his object with which he commenced this investigation, or one object, was to find something against BEN. BUTLER; that said BUTLER had written a letter to his district to defeat his election, and he wished to get even with him, or words to that effect.

On the following day, the 11th of April, Mr. FOSTER came up and spoke to me at the Ebbitt House, where we were both stopping. He and I had a short conversation, during which the name of General BUTLER was mentioned, I having, as I now remember, stated that the committee seemed to be investigating General BUTLER instead of the law of May 8, 1872, and the contracts thereunder. Mr. FOSTER stated in reply, "Damn BUTLER; he ought to be investigated; all the men connected with these contracts are BUTLER's friends, and you are his friend also," and saw him last night, and told him what I said in the committee-room yesterday about him," or words to this effect. I then stated to Mr. FOSTER that he was mistaken; that I had never enjoyed the pleasure of an introduction to, or an acquaintance with, General BUTLER; that I had not seen him on the evening named, or at any other time, to converse with him. I add that this is true still. I have never been unfriendly to General BUTLER, but have admired him for many things, and especially for the fact that he has always been in favor of compelling wealthy men, capitalists, and corporations to pay what they owe the Government, instead of taxing the poor, the industrious, and the honest farmers, mechanics, and laboring men to make good the deficiencies of the rich.

I so stated to Mr. FOSTER, and added that I thought this one question was all there was in the so-called Sanborn case.

WARWICK MARTIN.

Sworn to and subscribed before me this 20th day of May, A. D. 1874.

[SEAL.]

H. W. BEELSFORD,

Notary Public, District of Columbia.

Mr. FOSTER. In so far as that affidavit makes the charge that I wanted to investigate General BUTLER, I pronounce it here and now an unequivocal falsehood. The party who makes it I know is perfectly characterless, and the gentleman from Massachusetts ought to know that, too. He is the man, as the gentleman from Massachusetts knows, who attempted to blackmail his friend Sanborn out of several thousand dollars.

Mr. BUTLER, of Massachusetts. I never knew Mr. Martin; I never saw him. I never boarded with him at the Ebbitt House, and he never was in my confidence.

Mr. FOSTER. He came to us in order to get more money out of Mr. Sanborn.

Mr. BUTLER, of Massachusetts. Now, I want to deny here most positively that I ever interfered in the gentleman's district in Ohio in my life. Indeed, I do not know where exactly his district is, save that it is somewhere in that great State. I take shame to myself that I do not know it. I ought to have known it. I know something about it now and its Representative; but that has nothing to do with the present question, because I aver, again and again, that I never did send out there to interfere with the gentleman from Ohio, and if he had called upon me he would have learned that I never did; and if he has any evidence that I ever sent out to his district in any way, prior to the time that he wrote that letter to Brooklyn, let him now produce and declare it. I wait for it. Being so thoroughly convinced that I had never given him any cause for complaint, I have no complaint to make or unkind word for him. He has been acting under entire misapprehension of fact and with a belief that I had done him a wrong. When he learns as he now does his mistake, his own sense of justice will correct it.

I could not believe even the affidavit until I turned to this very voluminous report, containing, with the testimony, three hundred and twenty-two pages, and upon examination found no allusion whatever to my humble self or eyes in the report of the committee upon the Sanborn contracts by any designation whatever; so that I am sure it turned out that I had nothing to do with them whatever, because the gentleman from Ohio in the examination of witnesses alluded to me in various forms of questions thirty-three times, and each time he got the answer that the witness did not know that I did anything, or knew anything, or said anything on the subject of the Sanborn contracts. Still, every time he alluded to me the New York Tribune published a statement that General BUTLER's name appeared everywhere in the investigation; and this statement was copied each day into all the Boston papers which are under the control of some of my colleagues from Massachusetts, who were endeavoring to convince the people that I was engaged in the affair. Nay, my colleagues' newspapers were so put to it for evidence of the fact that they declared that Sanborn's lawyer, Mr. Prescott, was my private secretary and henchman, whatever that may be, and cited as proof that he had his office with me, when I am told that he once had an office in a four-story building where I have mine, with some twenty other tenants. Let me say that I never saw Prescott three times in my life, and did not know him by sight till he was sent for as a witness. Besides that, when the

gentleman made his speech he alluded to me twenty-eight times, making sixty-one in all; and then, after his sixty-one questions and personal allusions in the examination and in the speech, the editor of the Tribune thought that my "coat-tails" could be seen in the affair. And this is the kind of attack to which men in public life are exposed from investigations when somebody wants to get even with them.

Now, I have no objection to being investigated by anybody and everybody, friends or enemies; for the more the latter investigate me the worse they will like me. But I do object to the public money being spent for that purpose under the direction of the Committee on Ways and Means when they ought to have been perfecting a finance measure, so that the two-thirds republican majority of this House should not now hang their heads with shame that this Congress has to go home after more than six months' session and no comprehensive financial or revenue measure perfected and passed, or any ever come from that committee on which the House may pass. But, on the contrary, they have been engaged in vilifying the Administration, rapping "old Cock-eye," and getting even with him, even to examining into his private affairs, the fees he received from private persons, and his personal acts to the number of thirty-three questions. And thus having learned how unjust and improper it is for anybody even, anywhere, to examine into another's private affairs, the committee reported a bill that a man's books and papers ought not to be used or his private affairs inquired into without an order of a court upon a complaint under oath. Why was not this committee legislating about the drooping business and unemployed labor of the country and trying to find a remedy for that?

How will they answer to their constituents, nay, how will this committee answer to the country, that they frittered away their time in this pursuit of personal revenge, and have done nothing with either finance or revenue except to pass two bills; one of which, if you look back at the tables I have presented, cuts off \$1,200,000 of money paid into the Treasury last year, and the other the best-informed man upon the subject swears will prevent the collection of at least four millions of taxes more, all of which should come from those who have tried and are trying to cheat the United States?

Is it wonderful that the interests of the republican party and the interests of the country have been neglected while the Committee on Ways and Means, under the leadership of the gentleman from Kentucky, endeavors to break down the Administration, as he had a right to do, and under the lead of the gentleman from Ohio, mistakenly thinking he had a private grievance against me to assuage, have frittered the time of Congress away for more than six months in striking at one of their fellow-members who had not injured them, and against whom, although pursued with the hate of hell, they found nothing and reported nothing after six months of investigation. No, thank God; as usual, "old Cock-eye" escaped without a rap."

I do not desire the House or the country to blame either of the gentlemen of the Committee on Ways and Means too much in this matter, because there were those in this House who were egging them on, advising them to do it. Nay, there were those of my colleagues from Massachusetts who, in order to strike at me, were willing to strike down the republican party. The speech of the gentleman from Kentucky against the Administration, founded upon "bringing the Sanborn matter to the front," a very able, bitter, denunciatory arraignment of that Administration, put with all the power he could, and quite worthy of the successor of Clay in the Louisville district, was launched at our party like a thunderbolt. I expected and supposed, and the House expected, that his democratic associates would circulate it everywhere to break down the republican party, even at the cost of paying the postage on the distribution.

But what shall we say of republican Representatives who subscribed for and circulated such a speech by the thousand—a speech of the leading orator of the other side by the thousand? Why, Mr. Speaker, the State of Massachusetts has more of the Kentucky speeches circulated in it by one of my colleagues than of any republican speech made in this House during the present session. And why? Having circulated everywhere through their lying newspapers that I was connected with the Sanborn contract, it was thought by some of my colleagues that the arraignment of the gentleman from Kentucky of the Administration would be an indirect "rap at old Cock-eye;" and as my enemies either could not or dare not make any speech against that long-suffering individual themselves, they chose to send out this attack upon their Administration, thus to belittle their Secretary of the Treasury from their own State, to be the means of circulating the charges of corruption against their party, in order to get an indirect "rap" at one of their colleagues.

Now, I call upon the gentleman from Ohio to deny, if he can, that more than one of my colleagues have been to him to give him information about me and to have questions put about me, and to advise with him as to the course that might be taken in his committee to investigate me. Sir, was that so or not? Will the gentleman answer upon his honor?

Mr. FOSTER. Do you wish an answer now?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. FOSTER. I have to say that I have had no consultation with any gentleman from Massachusetts in relation to the Sanborn investigation; none of them have aided or advised me in any way in the prosecution of this investigation.

Mr. BUTLER, of Massachusetts. I am glad to hear it.

Mr. FOSTER. Or in the investigation of the matter at all.

Mr. BUTLER, of Massachusetts. Only about other things?

Mr. FOSTER. No; about nothing else.

Mr. BUTLER, of Massachusetts. Whenever I want a witness to tell what is not true I shall not send for my friend from Ohio.

Mr. FOSTER. What do you mean by that?

Mr. BUTLER, of Massachusetts. I mean that you tell the truth exactly.

Does the House wonder now that almost the only man who was found to object to my addressing the House at this hour was one of my colleagues from Massachusetts?

Mr. Speaker, I have done my duty to this matter. I have shown by such evidence as has come to me, and by the facts, what was the ground-work, in fact, of this investigation and this cry raised against the republican party because of the Sanborn contracts. There is not a man within the sound of my voice that now does not understand it.

Mr. Speaker, more than one-half at least of all the investigations carried on in Congress are for the purpose of striking down some rival, or injuring some enemy, or injuring some administrative officer, or gaining some party end, not for the purpose of aiding legislation. This business of investigation is carried too far. I can speak plainly in the face of the country; for myself I defy investigation. For fourteen years, since the commencement of my public life, I have lived under the focus of a microscope, magnifying and distorting every action of mine a million times, except, perchance, it was a good one, which it blurred and covered altogether. Living under such inspection, therefore, whether I would or no, I must lead an honest and upright life, or some man would in all these years have got a "rap at old Cock-eye," and I propose to take very good care of him now and ever. I desire investigation. I look forward to the time when the majority of this House will be opposed in politics to mine; and then I ask them to investigate every act of mine and publish its results to the country. I invoke the investigation of a gentlemanly political opposition, and not of a malignant personal spleen and spite, egged on by political rivalry; because I humbly trust that when my every act is known and understood authoritatively and exactly in its breadth and in its motives the kindly judgment of my countrymen will be, after all rivalry and unkindness of thought has passed away, "He was a man whose virtues overbalanced his faults, who loved his country, his kind, justice, and nobleness."

Mr. FOSTER. Let us pray.

Mr. BUTLER, of Massachusetts. Yes; but spell it with an "e."

Mr. ELLIS H. ROBERTS. Mr. Speaker, after laws are passed it is not usual to discuss them. It has remained for the gentleman from Massachusetts [Mr. BUTLER] to wait until both Houses of Congress have acted upon the bill which he assails to come in and make his argument against it. It is not because he was not invited that he did not appear upon the discussion of the moiety bill; it was not because he did not have the opportunity to appear that he did not discuss the Sanborn contracts, when the bill in relation to those contracts was pending in the House. It fell to me to have charge of the bill to amend the customs laws and to repeal moiety laws, and three times, Mr. Speaker, as you personally know, the consideration of that bill was postponed to enable the gentleman from Massachusetts to appear and be heard upon it. He states that it was understood by the country that he was ill when the bill was passed. The ante-room at my back resounded with the stories he was telling and the arguments he was making there against the bill. Not here before Congress, not here before the country, but back there in the cloak-room he chose to come and make his arguments. Sir, I do not object to his arguments now or at any time, here or elsewhere.

#### EXPERIENCE AND AUTHORITY.

He chose to refer to the British revenue system. He tells you that we referred in our discussion to the British revenue system as justifying the bill which Congress passed with entire unanimity in this House, and with but three dissenting votes in the other House, and upon the conference report without one dissenting voice in either House.

But the British system, Mr. Speaker, is not our only authority, and yet we might rely upon it. The gentleman chose to say that our tariff was complex. It is; but our internal-revenue system is complex now, and was much more complex when Congress with great unanimity repealed the moiety system with reference to the internal revenue. Our internal-revenue system justifies that act of Congress as British experience justifies the policy which we have adopted. More than that. It has received the approval of the republican party in great States, for republican members of this House will bear in mind that in the platform of the republican party of Indiana adopted only two or three days ago there is a declaration commendatory of the abolition of moiety laws and the abolition of the Sanborn contracts. But the gentleman from Massachusetts tells you that the moiety system has been sustained by every Administration since the foundation of the Government. It is true that it is an old system. In olden times it was customary to hang a man who stole a sheep. It was not found by experience that that was a wise provision of law, nor has it been found wise to maintain a like barbarism upon our statute-books in any regard.

But, Mr. Speaker, we have authority, if it is authority which the gentleman from Massachusetts pleads, for the action which Congress



has taken. The gentleman has chosen to say that past Administrations have sustained the moiety system. This Administration has demanded its repeal. In the first message of President Grant in 1869 he expressly recommended the repeal of moieties. Secretary BOUTWELL very elaborately argued in favor of the abolition of the moiety system, and, sir, Mr. BOUTWELL voted in the Senate for this very bill which the gentleman from Massachusetts [Mr. BUTLER] now denounces. In 1871 President Grant again recommended with great earnestness the repeal of the moiety system, and Secretary BOUTWELL repeated his arguments to that end, and that Secretary of the Treasury for whom the gentleman from Massachusetts seems to have so much sympathy, Mr. Richardson, the late Secretary of the Treasury, also recommended the abolition of moieties.

Let me call attention to their exact words, although I have once before done so when the subject was regularly before the House.

In his message of 1869 President Grant said:

Your attention is respectfully invited to the recommendations of the Secretary of the Treasury for the creation of the office of Commissioner of Customs Revenue; \* \* \* and most especially to his recommendation for the repeal of laws allowing shares of fines, penalties, forfeitures, &c., to officers of the Government or to informers.

In the same year Secretary BOUTWELL said:

Under existing laws, certain revenue officers and other persons appearing as informers are entitled to shares in fines, penalties, and forfeitures. During the fiscal year 1868-69 the Treasury Department distributed the sum of \$286,073.61 to such officers and to informers in the various cases arising under the customs-revenue laws. A large additional sum was also paid through the Internal Revenue office. The reason on which the laws granting such allowances are based is that officers of the Government are stimulated to greater activity in the discovery of frauds and in bringing offenders to punishment. There can be no doubt that such is the effect of the policy; but the experience I have had in the Treasury Department has convinced me that the evils attending the system are greater than the benefits derived from it. It often occurs that revenue officers are led to assert claims in behalf of the Government which have no just foundation in law or in the facts of the respective cases; and where real claims exist it is often the object of the informers and officers who share in the penalties to misrepresent the case to the Department, so as to secure the greatest advantage to themselves. But a more serious evil is found in the practice, quite general, of allowing persons to pursue a fraudulent course until a result is reached which will inure to the benefit of the officers and informers, instead of checking criminal practices at the outset. It is impossible to set forth in exact language the character of the evils that grow out of the present system. I am, however, clearly of the opinion that the Government ought to rely upon public officers for the proper performance of their duties without stimulating them by any contingent advantages.

In 1871, again, President Grant said in his annual message:

The present laws for collecting revenue pay collectors of customs small salaries, but provide for moieties (shares in all seizures) which, at principal ports of entry particularly, raise the compensation of those officials to a large sum. It has always seemed to me as if this system must at times work perniciously. It holds out an inducement to dishonest men, should such get possession of those offices, to be lax in their scrutiny of goods entered to enable them finally to make large seizures. Your attention is respectfully invited to this subject.

Secretary BOUTWELL repeated his previous recommendations in these words:

It is my duty to call the attention of Congress to the importance of abolishing the system of shares in moieties as far as the benefits inure to revenue officers and other persons officially connected with the Government. This measure was recommended in my last annual report, and a statement was submitted to Congress showing the amount received by officers of customs, together with the bill increasing their salaries without any increase of appropriations from the Treasury; the sum now paid from moieties being quite sufficient to place the entire force upon a satisfactory footing in regard to pay.

During the last fiscal year the offices of collector and surveyor of the port of New York each received from moieties the sum of \$49,215.69, and the naval officer the sum of \$48,195.59.

In most of the cases the officers do not perform special services entitling them to the amounts granted, and importers and others whose acts are made the subject of investigation complain, and I think with just reason, that the agents of the Government have a pecuniary interest in pursuing those charged with violations of the law. The Government ought to pay fair salaries, and rely upon the good faith of its officers for the performance of their duty. One of the difficulties which the Department has to meet frequently is, that customs officers have an interest in proceedings for the discovery of fraud, the settlement of cases, or the prosecution of them, which is different from the real interest of the Government; and, as a necessary result, the conduct of such officers is open to suspicion, both on the part of those who are pursued by them and the Government that they ostensibly represent.

It may be deemed expedient to leave the law as it now stands in regard to informers who are not officers, making it a penal offense for any officer to enter into an arrangement with an informer for any share of the proceeds of the information, and giving to the informer perpetual right of action for the recovery of any money or other valuable thing paid or given to an officer engaged in the discovery or prosecution of a fraud or legal wrong against the Government.

The Commissioner of Internal Revenue testified as follows in the Sanborn investigation, (page 96, Report 559:)

Question. Congress repealed all the moiety system as far as internal revenue was concerned?

Answer. Yes.

Q. How long was that before the passage of the act which authorized the Sanborn contract?

A. Not long; but I cannot give you the exact time.

Q. Had the moiety system, up to the time of this repeal, been of such character as to recommend its continuance to you? Were you in favor of its repeal when it was repealed?

A. I was in favor of its repeal, with this other provision, if I could have some means afterward of compensating persons who gave information, and for that a special appropriation of \$100,000 was made. My objection was that, before that, officers and all had moiety alike, and that gave to the officers the appearance of hunters for prey rather than of officers doing their duty.

Q. What was the effect of the moiety system that was repealed by Congress on the service?

A. It hurt the service, I think, in this way: the officer getting his share the same as a private individual, when he went to the citizen, the citizen always

claimed that the officer came to him to make money out of him rather than to discharge his official duty, and in that way it seemed to degrade his official acts. That was the objection.

Mr. Richardson, as Secretary of the Treasury, in an elaborate letter to the chairman of the Senate Committee on Commerce, argued the subject at length, and recommended "the abolition of the present system of moieties with one exception, to wit, where attempts at smuggling are detected or where the act of smuggling is accomplished." This is precisely what you have done by your legislation.

If, then, this is to be settled by authority, we find the President of the United States, both of his Secretaries of the Treasury, and the Commissioner of Internal Revenue, on the same side with Congress and the republican party, and on the other side the gentleman from the Essex district of Massachusetts.

#### LOSSES UNDER THE MOIETY SYSTEM.

But the gentleman from Massachusetts comes here to teach us that we should have a specific and not an *ad valorem* tariff. Perhaps that is so. But that is not the question before us to-night; and it was not the question pending before this House when the bills were passed which he now assails. The gentleman tells us that under this *ad valorem* system we collect but 67 per cent. of the duties, not without the moieties but with the moieties, not without this machinery of barbarism but with this machinery of barbarism. With your inducements to officers to suffer violations of the law to go on for years to mass large penalties for division; with your arbitrary invasion of the office and of correspondence; with your severities arraying public sentiment against you so that juries refuse to be the instruments of your laws; with commerce protesting against your statutes and their enforcement, it is not strange that we can collect but 67 per cent. of our duties.

If we cannot do any better than that with this system of barbarism, I ask my colleagues about me if it is not high time to try some better system? We mean to collect more than 67 per cent. That is why we have asked Congress to reform the revenue laws; that is why you have abolished moieties; why you have adjusted the use of books and papers as evidence to the rule of every one of our States and to the practice of our fathers; that is why you strike down the extreme measures adopted during the war; that is why you appeal to the mercantile community to assist in sustaining just laws. You have made no mistake in so doing. And even the gentleman from Massachusetts did not appear to obstruct your beneficent action.

#### PHELPS, DODGE & CO.

But he does come here to tell us something about the case of Phelps, Dodge & Co. Mr. Speaker, we are not trying the case of Phelps, Dodge & Co. If we were, then the remarkable qualities of the gentleman from Massachusetts as a criminal lawyer might well be brought into play, and counsel ought also to be present on the other side. We are here to consider legislation, not to assail citizens who are reputable, who were reputable before the gentleman from Massachusetts came into the Congress of the United States, and who will be reputable after the gentleman from Massachusetts leaves this body.

Mr. BUTLER, of Massachusetts. To what citizens do you refer?

Mr. ELLIS H. ROBERTS. I refer to the house of Phelps, Dodge & Co.

Mr. BUTLER, of Massachusetts. O, yes; that is all right.

Mr. ELLIS H. ROBERTS. And I refer to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I heard that.

Mr. ELLIS H. ROBERTS. And I ask, because I do not know so much as the gentleman from Massachusetts about the case of Phelps, Dodge & Co.—

Mr. BUTLER, of Massachusetts. That is evident.

Mr. ELLIS H. ROBERTS. I do not know so much as the gentleman from Massachusetts of one side of that case. To show why he is better informed about it than I can be, I ask that the evidence of the informer with reference to the connection of the gentleman from Massachusetts with the case of Phelps, Dodge & Co. may be read.

Mr. BUTLER, of Massachusetts. I am very much obliged to you for that.

Mr. ELLIS H. ROBERTS. It will be found on page 173 of the evidence.

Mr. BUTLER, of Massachusetts. Will you allow me to reply after it is read?

Mr. ELLIS H. ROBERTS. No, sir.

Mr. BUTLER, of Massachusetts. I thought so.

Mr. ELLIS H. ROBERTS. You declined to let me come in.

Mr. BUTLER, of Massachusetts. Never.

Mr. ELLIS H. ROBERTS. You have had your day in court.

Mr. BUTLER, of Massachusetts. I only declined to have you interrupt me, not to have you come in and reply.

The Clerk read as follows:

Mr. FOSTER. I did not exactly understand the answer to Mr. ROBERTS's question. You employed counsel for what?

Mr. JAYNE. I deemed that it was a case where some ugly points might arise, and where this matter might come up; that it probably would come up in the course of some discussion growing out of this case. I did consent and urge settlement of this case for a sum of money that the counsel for the informer was not willing should be accepted. I deemed that some ugly proceedings might, perhaps, grow out of this attempt to black-mail. I thought the truth might come out and I might need counsel. I came with the facts to the Secretary of the Treasury, and to counsel whom I employed.

Mr. FOSTER. Then I am to understand that you employed counsel to prevent a larger sum being paid by Phelps, Dodge & Co.?

Mr. JAYNE. I employed counsel to secure the settlement upon the terms that they offered and seemed anxious to close upon.

Mr. FOSTER. And not to have them pay a larger sum?

Mr. JAYNE. Not to have them pay a larger sum.

Mr. FOSTER. I think it would be well for you to give the name of the counsel, for we have understood that he was employed for a different purpose.

Mr. JAYNE. General BUTLER was the gentleman, sir. He was not employed for a different purpose.

Mr. FOSTER. Has he been employed in any other cases with you?

Mr. JAYNE. Whenever I had questions of law that I did not understand—and in the course of my experience I have had a great many questions of law and of evidence arising—I have submitted a number of questions to General BUTLER, and I have paid him, I think, \$1,500 besides what I paid in that case.

Mr. FOSTER. How many cases has he been employed in?

Mr. JAYNE. I could not tell the exact number that I have asked him questions with regard to. I should think two or three, or three or four, perhaps.

Mr. ELLIS H. ROBERTS. That is all I ask to have read at this time. That will show why the gentleman from Massachusetts knows more about that case, or may claim to know more about one side of it, than I do. Perhaps it is a part of the task which he has undertaken, for the fee mentioned in that evidence, to assail a reputable mercantile house upon the floor of the American Congress.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me—

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. Yes, you are as brave as a country editor generally is.

Mr. ELLIS H. ROBERTS. Brave! I have asked you three times to come into this House and debate this question, and you had not the courage to come.

Mr. BUTLER, of Massachusetts. Not when I was sick.

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. You asked a sick man to come; you are very brave. He is well now, and you will not hear him.

Mr. ELLIS H. ROBERTS:

I did hear him groan:

Ay, and that tongue of his, \* \* \*

Alas! it cried, "Give me some drink, Titinius,"  
As a sick girl.

Mr. BUTLER, of Massachusetts. Yes, I am like Caesar.

Mr. ELLIS H. ROBERTS. Yes; "As a sick girl."

#### SEIZURE OF BOOKS AND PAPERS.

Let me call particular attention to the very significant fact that even the gentleman from Massachusetts has not one word to say in favor of the system of the seizure of books and papers. You have substantially wiped it out. That is one of the chief features of the bill which you have passed. Against that reform criticism is dumb.

#### WHY JUST ONE-HALF?

The gentleman from Massachusetts contents himself with warning us against the consequences of the repeal of moiety. When was it ever discovered that exactly one-half was the proper sum with which to induce lawyers and others to steal papers, or to have them "picked up on the street," to bribe the clerks of merchant houses, and to surround the commerce of this country with an infamous band? Why is it just one-half? Why not a little more than one-half, so that larger fees could be paid for counsel to appear not only at the Treasury but upon the floor of this House? Why not more than one-half? Why not a little less?

You, my colleagues, have chosen to say that for smuggling you will pay one-half for the detection of the crime; but for other offenses against the revenue you will pay—how much? A bagatelle, is it? For the detection of any offense against the revenue committed by importers or by officers of the revenue you will pay as much as you pay for a year's work, not simply to the chairman of the Committee on Ways and Means, with his experience of eighteen years in this House, his ability, and industry and fidelity; but you will pay for the detection of every crime against the revenue, as much even as the American people pay to their chairman of the Committee on the Judiciary of this House, [Mr. BUTLER.] Is not that quite enough—a year's salary of the best talent in the country employed in the cares and responsibility of legislation for any detective who will bring to light one single offense against the revenue? The price of a farm, of a homestead, to a detective for a single case—is not that enough? Do you want to keep up a system for pouring money into States to control gubernatorial nominations? Even with all that flood of money gubernatorial nominations are not always secured.

#### FINES AND PENALTIES NOT REPEALED.

But the gentleman from Massachusetts appeals to the country against Congress as if we had repealed fines, penalties, and forfeitures. The gentleman from Massachusetts could not have intended to create that impression, because it is not true. You have not repealed fines, penalties, and forfeitures. We have sought to make them more definite; we have sought to make collection dependent not upon informers, not even upon the pleasure of the Secretary of the Treasury, or any district attorney. But we have sought to make your law clear and to render its execution certain as the fiat of fate.

#### THE UNANIMOUS VOTE.

But, Mr. Speaker, it is a work of supererogation to talk here in favor of a bill which received the unanimous vote in this House from

every State; which in the other branch of Congress had but three negative votes, and finally upon the conference report was unanimously adopted.

Mr. DAWES. After full discussion.

Mr. ELLIS H. ROBERTS. Yes; after long and full discussion in the other House, and after a discussion in this House which was exhaustive in every respect except in not having represented in it the honorable gentleman from Massachusetts, [Mr. BUTLER.]

#### THE SANBORN CONTRACTS.

After the arguments when the bill for their repeal was pending, and after what has been so forcibly said by my distinguished colleague on the Committee on Ways and Means, the gentleman from Ohio, [Mr. FOSTER,] it is not necessary for me to refer again to the cognate subject—the Sanborn contracts. I did not suppose that there was in this land one man who would dare to defend them in their enormity. Even John D. Sanborn, when he came before the Ways and Means Committee, admitted that the rate allowed to him for collection was exorbitant, and that he would be willing to continue the collection at a less rate.

Mr. KASSON. At 15 per cent.

Mr. ELLIS H. ROBERTS. My colleague on the committee, the gentleman from Iowa, [Mr. KASSON,] says Sanborn was willing to collect the taxes for 15 per cent. instead of 50 per cent. The Committee on Ways and Means preferred what they considered a still better system, that the taxes should be collected by the sworn officers of the Government as they have been collected steadily all the while, in spite of the work of Sanborn. I take the liberty of submitting as part of my remarks tables showing the amount of taxes actually collected by your Internal Revenue Bureau, even during the progress of the Sanborn contracts. They are as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,  
Washington, March 18, 1874.

SIR: I inclose herewith a statement, prepared in accordance with your request, showing the amount of repealed taxes returned to this office after those taxes were abolished.

Very respectfully,

J. W. DOUGLASS,  
Commissioner.

Hon. ELLIS H. ROBERTS,  
House of Representatives, Washington, D. C.

Statement showing the amount of repealed taxes returned to the office of the Commissioner of Internal Revenue after those taxes were abolished (exclusive of certain taxes repealed June 6, 1872, relating to spirits, tobacco, and adhesive stamps) during the fiscal years ending June 30, 1871, 1872, and 1873.

Source.	Fiscal year 1871.	Fiscal year 1872.	Fiscal year 1873.
Income.....		\$1,451,817 29	\$5,062,311 62
Gross receipts.....	\$577,723 99		
Sales.....	637,095 62		
Special taxes.....	93,946 16		
Legacies.....	927,879 10	1,784,426 19	763,761 77
Successions.....	649,349 16		
Articles in Schedule A.....	38,078 34		
Manufactures and productions exclusive of gas.....	1,058,393 18		
Gas.....			120,111 96
Total.....	3,982,465 55	3,236,243 48	5,946,185 35

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,  
Washington, May 13, 1874.

The following statement shows the collections returned on legacies and successions to the Commissioner of Internal Revenue from two hundred and two collection districts during the fiscal years 1872, 1873, and the first seven months of the fiscal year 1874:

From July 1, 1871, to June 30, 1872.....	\$888,018 63
From July 1, 1872, to June 30, 1873.....	442,412 95
From July 1, 1873, to February 28, 1874.....	58,444 59
Total.....	1,388,875 57

H. C. ROGERS,  
Acting Commissioner.

#### REGULAR COLLECTIONS VS. SANBORN.

Observe that even the Sanborn contracts have not prevented the department from gathering in by regular means large sums of money from such taxes. Besides the collections actually made by the regular officers for him, besides the cases under indictment and in process of settlement, on which Sanborn received moiety, the official records show that these millions have been collected without paying toll to him.

In the last fiscal year the internal revenue was collected for about 5 per cent. and the customs for about 4 per cent. Sanborn was allowed 50 per cent., yet his cupidity has snatched from the direct course of collection not one-tenth of the actual proceeds of repealed taxes.

He collected nothing from distillery cases, except from one person under indictment. From legacies and successions he picked up nothing except in a single city. From mammoth corporations he took



little, if anything, besides what was on its way to the Treasury. His own witnesses show that he rendered no service. John D. Coughlin swears that for 12½ per cent. he collected the legacy taxes in New York for Sanborn, and would have done the same without his intervention. (See evidence, page 9.) The testimony of Presbrey, (page 82,) of Green, (page 66,) of Odell, (page 220,) and of Hawley, (page 227,) agrees in showing Sanborn only as the claimant for the moiety. In few instances is it shown that he collected anything which the Department could not by its regular methods reach and gather in.

No pretext of necessity, no allegation of neglect on the part of the Bureau, no exaggeration of the saving of money to the Treasury, can be supported by the facts to serve as an excuse or even a palliation of the contracts and the abuses which Congress has now ended forever.

The statute of 1872 was not in its terms mandatory. By it a practice which had existed was legalized and restricted. The Secretary of the Treasury might well feel bound to act under it. That, then, is the responsibility of Congress. The door was thus opened to abuses. They were not actually introduced. They were invited. They flocked in like doves to the window.

Only by abuses could this contract system prove a source of wealth to the contractor. No individual could have the resources of the Government for pressing collections. Internal-revenue taxes lie within a narrow field in which close scrutiny can be exercised. The chances for actual "discovery" of such taxes withheld must in the nature of the case be few. Only by abandoning or breaking down the restrictions of the statute could the spoils grow to a corrupt and dangerous magnitude. That was permitted to the contractor.

#### THE REAL CRIME.

He claimed "discovery" of every tax under repealed laws, whether he found it in court, in the hands of internal-revenue officers, or actually credited to the Government. Broader yet was the field in which he assumed mastery. Into his contract he thrust the names of persons and corporations, swearing that they were "indebted to the Government upon taxes withheld," although he had no knowledge whatever on the subject, and simply copied them from surrogates' records and railway guides. (See his evidence, pages 152, 158.)

#### AN EXCEPTION.

The indignation which has been aroused by the exposures reported by the Committee on Ways and Means proves that this contract system is an exception, a monstrosity in our administration. It is in antagonism to our institutions, and especially to the spirit of recent legislation. You find farming the revenue prevail in semi-barbarous China and in Turkey. The most despotic of the French monarchs thus enriched their favorites, male and female. Britain has never accorded welcome to the policy. With us it has been an exotic parasite, of sickly growth.

#### REPEAL IMPERATIVE.

The repeal of any law that tolerated such a system was imperatively demanded.

The Committee on Ways and Means, Mr. Speaker, have had simply the work of carrying out what was obviously the wish of the House, and what beyond all question is the wish of the country. Whether or not it be true that the gentleman from Kentucky, [Mr. BECK,] my colleague on the committee, had his attention first called to this matter or not I do not know, because the letter read here to-night is the first suggestion I have ever heard that he originated this movement. When this Congress assembled the notoriety of the cases in Brooklyn attracted the attention of other members of the committee.

Mr. BUTLER, of Massachusetts. Is the gentleman quite certain of that?

Mr. ELLIS H. ROBERTS. I am.

Mr. BUTLER, of Massachusetts. Congress came together in December, and the Brooklyn matter did not come out until long after.

Mr. ELLIS H. ROBERTS. I know what I am talking about. The first indictment was found in November or December.

Mr. BUTLER, of Massachusetts. No, sir.

Mr. ELLIS H. ROBERTS. Well; it is certain that before the resolution was introduced by the gentleman from Ohio [Mr. FOSTER] he talked with a number of members of the committee, I think I may say; but without speaking of anybody else I know he talked to me about the form of his resolution. He introduced that resolution. And the Committee on Ways and Means would have been content with the simple repeal of the law. But it was the gentleman from the Essex district of Massachusetts who demanded that his friend, Mr. John D. Sanborn, should have a hearing, Sanborn having previously made such a request to some members of the committee. It was by a republican member of the House that this resolution was introduced, as a proper step toward the reform of a flagrant evil.

#### REVENUE MEASURES.

But the gentleman from Massachusetts chooses to introduce just here an indictment of the Ways and Means Committee for not bringing in a revenue measure.

Mr. Speaker, the Ways and Means Committee have been studying the revenue question all through this Congress, and they have not brought in a bill to increase the taxes, because in their judgment it

was not right, it was not proper; the exigencies of the country did not demand that taxes should be increased. And the Ways and Means Committee are quite ready to go to the country upon that record; that when industry is paralyzed, when commerce folds its hands in idleness, when thousands of our people know not whither to turn for their day's labor, the Committee on Ways and Means have declined to put new burdens on the country.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a moment?

Mr. ELLIS H. ROBERTS. Yes, sir.

Mr. BUTLER, of Massachusetts. Did not the gentleman's committee bring in a bill to increase the tax on friction matches?

Mr. ELLIS H. ROBERTS. No, sir; we refused to repeal the tax on friction matches.

Mr. KASSON. We reported the bill adversely.

Mr. ELLIS H. ROBERTS. It was a bill to repeal taxes on friction matches, and we reported it adversely. This only illustrates how very little the gentleman from the Essex district of Massachusetts knows about the question which he has assumed to discuss.

Mr. Speaker, I hold in my hand the justification of the action of the Committee on Ways and Means in declining to increase taxes. The gentleman from Massachusetts, [Mr. DAWES,] the chairman of the committee, early in this session made a long argument in some parts of which I could not agree, but the conclusion of which was that no taxes were necessary. I had the honor to submit some remarks also leading in the same direction. It was my fortune early in the session to make an estimate about the revenue for the present fiscal year. I ventured as early as the 2d of March to say that the revenues for this fiscal year would be \$288,000,000, although the Treasury, with the abundant caution which is proper for it, placed them at about the same time at \$281,000,000. You will find the table of the Treasury in the RECORD for March 3, cited in my remarks. The estimate was for total income for the year ending June 30, 1874, \$281,777,972.19; expenditures, including sinking fund, \$321,477,616.35; cash in Treasury July 1, 1874, \$20,302,385.14.

The figures which I then submitted were for receipts, \$288,000,000; expenditures, including sinking fund, \$314,191,369.28; cash in Treasury, \$35,000,000.

Now the warrant division of the Treasury, estimating for the few days remaining, gives the receipts for the fiscal year at over \$290,000,000; the expenditures at \$316,843,349; and the cash in the Treasury July 1, at \$33,194,333. Here are the figures in detail:

Cash in the Treasury July 1, 1873	\$131,192,028 50
From which deduct sums on deposit by provisions of law, represented in this amount, as follows:	
Special deposits of legal-tenders held for redemption of certificates of deposit	\$31,730,000 00
Coin deposits for which coin certificates were outstanding	39,460,000 00
	71,190,000 00
Total available cash belonging to the Government	\$60,002,028 50
Receipts from July 1, 1873, to February 1, 1874, (five days estimated)	165,677,972 99
Receipts from February 1 to June 30, 1874, (twenty days estimated,) namely:	
Customs:	
February	\$14,434,659 77
March	15,147,033 57
Unascertained and not reported at close of monthly account	506,664 35
April	13,856,488 95
May	12,418,062 15
June, (part estimated)	13,000,000 00
	69,362,908 79
Internal revenue:	
February	8,134,408 79
March	7,493,792 94
April	8,160,855 98
May	\$11,462,700 07
June, (part estimated)	8,500,000 00
	\$43,751,757 78
Miscellaneous:	
February	3,488,931 00
March	2,044,981 94
April	2,308,949 64
May	1,800,152 94
June, (part estimated)	1,600,000 00
	11,243,015 52
	\$124,357,682 09
Total ordinary revenues	\$290,035,655 08
Total available resources	350,037,683 58
Ordinary expenditures on account of appropriations:	
From July 1, 1873, to February 1, 1874, (five days estimated)	177,174,585 59
From February 1, 1874, to June 30, 1874, (twenty days estimated)	110,477,394 81
	287,651,980 40
Total ordinary expenditures	287,651,980 40
Liabilities on account of sinking fund	29,191,369 28
	316,843,349 68
	33,194,333 90

It will be seen from the foregoing statement that the income of the Government for the current fiscal year is estimated at \$290,035,655.08 in excess of the expenditures. This will leave \$26,807,686.60 of the sinking fund unprovided for.

## Monthly statement of receipts for the year, adjusted to March 31, 1874.

Month.	Customs.	Internal revenue.	Miscellaneous.
1873—July.....	\$14,777,146 47	\$8,578,044 35	\$9,368,452 49
August.....	18,375,392 83	8,572,495 84	
September.....	15,963,149 09	8,255,494 65	
October.....	11,522,498 98	7,091,532 88	
November.....	9,739,834 27	6,771,496 89	2,615,083 17
December.....	10,234,831 22	8,879,054 35	
1874—January.....	13,576,973 71	9,400,874 80	7,508,129 94
February.....	14,434,659 77	8,134,408 79	
March.....	15,653,697 92	7,493,792 94	
April.....	13,856,488 95	8,160,855 98	
May.....	12,418,062 15	11,462,700 07	1,800,152 94
June, (part estimated).....	13,000,000 00	8,500,000 00	1,600,000 00
Total.....	163,533,735 36	101,301,151 54	25,200,768 18
Grand total.....			290,035,655 08

Although the estimates submitted by me nearly four months ago were then pronounced as oversanguine by some gentlemen on this floor and in the press, the result has more than justified them. The receipts overrun those estimates by more than \$2,000,000, and probably by even more. While the Treasury estimate of expenditures still exceeds the figures submitted by me, the actual result will be found to be between them, and the net cash in the Treasury will vary little if any from \$35,000,000. So that setting out of the account for the moment the issue of \$26,000,000 of legal-tenders taken from the reserve, we shall have from three to five million dollars of net surplus for the fiscal year to apply upon the sinking fund, while for the next year we may confidently expect under the laws as we now have them a complete adjustment of the sinking fund for both years. That is the justification of the Committee on Ways and Means for not bringing in a bill to increase taxes. Our judgment was that it was not necessary; and we know no reason why it should be counted a luxury to burden the people without necessity.

## ASSAILING THE ADMINISTRATION.

But the gentleman from Massachusetts charges as his last indictment that the Committee on Ways and Means have been assailing the Administration. How? By preventing a corruptionist holding the Treasury in his hands and controlling its officers. How? By repealing moieties recommended to be repealed by the President of the United States. How? By striking down the infamous Sanborn contracts. Why, Mr. Speaker, I have yet to learn that moieties are the administration of the United States. I have yet to learn that John D. Sanborn is the republican administration. Indeed, Mr. Speaker, I have yet to learn that even the gentleman from the Essex district of Massachusetts, with all his ability, is the administration of the republican party—the administration of the United States. When I learn either fact it will be time enough for me to inquire my duty toward them as such, and then, if not now, I will not be afraid of the indictment of assailing the Administration, if it be assailing the Administration to strike down corruption wherever I see it, if it be assailing the Administration to strive for the right wherever it may lead.

Mr. Speaker, I have it in my heart and bones that the republican party is the party of conscience, the party of progress, and the party of right, and it is because I so believe that I have been a republican before the gentleman from Massachusetts was a republican, and I expect to be a republican after the gentleman from the Essex district of Massachusetts has made new party affiliations and gone to his own place.

It is because the moiety bill adjusts the revenue law to what I believe to be the modern ideas of humanity not only, but what seems to me to be the essential spirit of civilization, that in my humble way I have done what in me lay for the repeal of the system, and in doing that I have rendered the best service in my power to the republican administration, to the republican party, to honesty in legislation and administration, and therefore to my country and my God.

Mr. FOSTER. Mr. Speaker, after listening to the extraordinary speech just made by the gentleman from Massachusetts, [Mr. BUTLER,] I find but little in it that calls upon me for a reply, save and except his personal allusions to me in connection with the Sanborn investigation, and I desire to say that so far as my personal action in these proceedings is concerned, it was solely in the line of discharging an official duty, and with no feeling of unkindness toward any one. I believed from the start that a monstrous robbery had been attempted and partly executed on the Treasury. I believed then, as I do now, that the law authorizing the Sanborn contracts was passed for the purpose of plunder by those who engineered its passage. I believed that more than one member of Congress had knowledge of the purposes for which it was to be used before it passed. If, therefore, in asking general questions about members of Congress in connection with these contracts, the answers to which should point in all manner of ways to the gentleman from Massachusetts, [Mr. BUTLER,] it is not my fault. If he has had no connection with them, it is certainly unfortunate for him that so many of his friends should be mixed up with them.

I well knew that I would have to encounter such hostility as only the gentleman from Massachusetts can command. I knew that my

letters, if possible, would be stolen; I knew that unprincipled men would be induced to make false affidavits; I knew that my past life would be investigated with the purpose to "break me down;" but I did not expect the secret service of the Government would be used to traverse my district trying to hunt up something for the gentleman to use against me. He has through the agency of one Hughes secured a copy of a letter of mine, which he has just read to the House, the contents of which he is welcome to. Let him make the best use he may of the phrase "old Cock-eye;" it is a generous, well-intended phrase, will wear well, and live as long as the gentleman from Massachusetts. He has come forward with an affidavit from a blackmailer of Sanborn, known to him as such, in which the false statement is made that I said to this man Martin "D—n BUTLER; he ought to be investigated." He has acknowledged that he has sent into my district to learn of something that he might use against me. His strikers have given out that I was to be scalped. Now, what does all this amount to? There is nothing in the letter of which any friend of mine need take exception except to smile at its truthfulness. There is nothing in the affidavit, (if true,) that reflects any discredit on me; and so little could his detectives find in my district, that he has not been able to come forward with any charge whatever.

On the other hand, Mr. Speaker, the investigation has been a complete success, a vindication of my labors on the sub-committee and of the work of the whole committee in the results they have reached; for the House have unanimously adopted the bills and reports. The law under which the Sanborn contracts were made is repealed, the contracts annulled, the officers of the Treasury Department directly and indirectly connected with this disgraceful transaction are removed, and are replaced with men in whom the country has the fullest confidence.

That I have led in an investigation that has resulted so successfully in every phase of the case is a matter in which I feel a just pride, and is one which I know the country appreciates. That the gentleman from Massachusetts has suffered in reputation is not my fault, but rather that of his associations. I am not surprised that he should feel so sore over it and that he has seen fit to make a personal attack upon me to-night. He has made his own bed of torture; let him lie in it. I cannot help it.

I am very glad, Mr. Speaker, of the opportunity of presenting to the House and to the country the facts in relation to that investigation; and I want to say here in the outset that the Committee on Ways and Means never ordered an investigation into the facts in that case to the extent of calling witnesses. The gentleman from Kentucky [Mr. BECK] and myself were appointed a sub-committee on the part of the Committee on Ways and Means to investigate the affairs of the Internal Revenue Office at the request of the Committee on Appropriations. During that investigation it came to our knowledge that the Treasury of the United States was being robbed in some way, just exactly how we did not know. I went alone to the officers of the Treasury Department, because the gentleman from Kentucky [Mr. BECK] said to me that I had better go myself—that as he was a democrat it would be better for me to know the secrets of these things alone. I went to the office of the Solicitor of the Treasury, and also to the office of the Secretary of the Treasury, and my interview with those officers was so unsatisfactory that I came back to the House and offered a resolution of inquiry calling for copies of the contracts. After two or three weeks' delay that resolution was answered, giving copies of the contracts, but without the names of parties charged with having withheld their taxes. That answer was unsatisfactory to the House, and the gentleman from Pennsylvania [Mr. RANDALL] offered a resolution broader in its terms, which was referred to the Committee on Ways and Means. The Committee on Ways and Means directed me to report back to the House that resolution in still broader terms, calling for copies of the contracts and orders and everything in relation to the Sanborn contracts. In the course of time, in two or three weeks perhaps, we got an answer to this resolution. At the time I offered this second resolution the gentleman from Massachusetts [Mr. BUTLER] will remember that he objected to its introduction unless I would permit discussion, but finally he assented to a withdrawal of his objection, and the resolution was adopted by the House.

At that time the gentleman from New York [Mr. WOODFORD] asked the privilege of making a speech, and that was the speech referred to in the letter of mine read by the gentleman from Massachusetts, [Mr. BUTLER.] What he was going to say I knew not, but he asked the privilege and I granted it. Next day the gentleman from Massachusetts [Mr. BUTLER] said to me if I would offer the resolution he would withdraw his objection. Then in two or three weeks the Secretary's answer came to the House, and was ordered to be printed, and when printed the document came to the Committee on Ways and Means, and on examination the committee directed me to report a bill to the House to repeal the law.

Now, Mr. Speaker, but for the written request of Sanborn asking to be heard before we acted, and the personal application of the gentleman from Massachusetts [Mr. BUTLER] that Sanborn's request be granted, that law would have been repealed and no investigation would have been instituted. About that time Mr. Sumner died, and this matter was postponed until the ceremonies attending his funeral were over. Sanborn appeared directly afterward with a host of witnesses, half a dozen or more. He brought Mr. Coughlin from New



York, he brought Mr. Simmons from Boston, he brought old Belsterling from Philadelphia, and others—some from Washington and other points. They came on here and were going to convince (as the gentleman from Massachusetts said) the Committee on Ways and Means that we were all wrong, and that the law ought not to be repealed; but by the time we got through with them we found the whole transaction reeking and stinking with corruption all over—so much so indeed that Sanborn himself, at the instigation I presume of the gentleman from Massachusetts, [Mr. BUTLER,] refused to testify.

Mr. BUTLER, of Massachusetts. Why do you presume that?

Mr. FOSTER. Because he said he had a letter from a member of Congress asking him not to testify.

Mr. BUTLER, of Massachusetts. From me he did not.

Mr. FOSTER. He said that he had got a letter from a member of Congress advising him not to testify.

Mr. BUTLER, of Massachusetts. His counsel?

Mr. FOSTER. There is nothing but coat-tails about that.

Mr. BUTLER, of Massachusetts. Did you not say in your letter that you were going to give a rap at old Cock-eye?

Mr. FOSTER. Yes, I did; and I wish to ask the gentleman from Massachusetts if I did not get in a "rap at old Cock-eye" on a former occasion and after the letter was written, say about the 10th of March?

Mr. BUTLER, of Massachusetts. No; not once; not even his coat-tails. You have just said you never got nearer than his coat-tails.

Mr. FOSTER. The gentleman was fairly knocked down one day here. But no more about that, however; let me go on with my story.

Mr. BUTLER, of Massachusetts. O, yes.

Mr. FOSTER. Sanborn himself refused to testify. The Committee on Ways and Means found out by those witnesses brought here by Sanborn himself, without any expense to the Government, that he was robbing the Treasury as well as debauching certain internal-revenue officers from New York and New England; that they were simply collecting money that the officers of the Government could collect themselves without any intervention of Mr. Sanborn. We discovered, and you will find it in this report, that he collected several thousand dollars from one of these railroads six months before he had a contract to collect at all; that he collected several thousand dollars, some ten or twelve thousand dollars, without any contract whatever, and many other transactions equally scandalous.

Mr. Speaker, we followed this matter up, and I never asked a question which led to a sight of the gentleman's coat-tails, as you will see if you look through that book of testimony, but what was general in its character. I never asked a question directly about the gentleman from Massachusetts, [Mr. BUTLER;] I asked about some member of Congress. We found Prescott, No. 12 Pemberton Square. *I do not suppose the gentleman knows him, but he has an office in the same building. I do not suppose the gentleman from Massachusetts knew anything about Prescott offering \$5,000 to one of the Brooklyn papers to take Sanborn's side of this question. I do not suppose he knew anything about paying money to the man Hughes who stole my letter to aid in securing Sanborn's acquittal in the United States court at Brooklyn. I do not suppose he knows anything about these people, as well as almost every other man engaged in this infamous transaction. But the facts are that in one way or another they all had some sort of a connection with him. My letter was stolen, not picked up in the street as the gentleman says, and given to the gentleman from Massachusetts. I expected my letters would be stolen when I got into this controversy with the gentleman, and I was careful about what I wrote. There is nothing in any letter I have written which calls for explanation. And further, Mr. Speaker, this House, for the protection of its members, had to pass a resolution to keep the gentleman from Massachusetts from stealing telegrams.*

Now, Mr. Speaker, I have but little more to say about this matter. This investigation was brought on by the friends of and by the gentleman from Massachusetts himself. No other person was to blame. They brought it on, and out of the mouths of their own witnesses this testimony came. We forced it, it is true. We forced Mr. Sanborn to testify. We discovered these frauds which are fully set forth in our report and which have not been and cannot be answered by the gentleman from Massachusetts to-night. The bill repealing the law was passed by a unanimous vote of this House, the gentleman himself being present.

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio before he concludes to the manner in which Mr. Sanborn procured information from Europe in regard to income taxes and other claims for taxes.

Mr. FOSTER. What is the gentleman's point?

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio to the manner in which Mr. Sanborn procured information from Europe as to certain taxes that the gentleman from Massachusetts [Mr. BUTLER] claimed that Mr. Sanborn had information of, which he proposed to collect if allowed to do so. I desire also to call his attention to the manner in which Mr. Sanborn got information as to certain whisky taxes, also as to certain railroads.

Mr. FOSTER. We have gone over all these things, Mr. Speaker, in our report and in our speeches. But it may be well on this occasion to call the attention of the House and the country to them again.

Now, this railroad case was a marvelous thing. Sanborn made marvelous use of railroad guides; that oath of his is complimented by the gentleman to-night. The acquaintance of Mr. Sanborn with the gentleman from Massachusetts is long-lived. It dates away back to

old Fortress Monroe times. This man Sanborn was engaged in business with Mr. Hildreth (I do not care to tell here the relationship between Hildreth and the gentleman) down in the neighborhood of Fortress Monroe, selling goods to the rebels. Hildreth and Sanborn made a great deal of money at that time. I am told that Sanborn was employed as agent of the Adams Express Company. Mr. Bullock was agent of the Adams Express Company South, and played rebel. The company wanted a go-between who would get through the command at Fortress Monroe, where the gentleman from Massachusetts then commanded, and Mr. Sanborn was employed. What we were told as to that is not published, and I will not further allude to it.

Several MEMBERS. Out with it.

Mr. FOSTER. Now, how was this information got about this five million of taxes due from abroad? That is a big sum to talk about. One Mr. Fay—Mr. A. Goodrich Fay, of New York—turns up here employed by the Treasury, a special agent of the Treasury Department at five dollars a day, including Sundays and including expenses, to go abroad to hunt up these income cases. And when he returns we find that Mr. Sanborn turns up an informer in an \$800,000 job. That \$5,000,000 story is all bosh, and used to cover up his raids as an informer. That is the way that information was obtained.

I do not think it worth while, Mr. Speaker, to detain the House at any greater length on the matter of the Sanborn contracts, and I would not have said a word on this subject but for the personal attack the gentleman from Massachusetts has made upon me.

Mr. BUTLER, of Massachusetts. I have made no attack upon you.

Mr. FOSTER. I do know from reputable sources that men have been in my district—under whose auspices I do not know—looking into the matter of my election and trying to find out something about me; for what purpose I am not advised. But I am advised, and I will state it to the House, though the authority may not be very good, that the secret-service fund has been used to send men to my district—I mean the secret service in charge of Colonel Whitley, another one of the gentleman's friends—to look for a fifty-cent counterfeit plate. That was the ostensible purpose of his visit to my district. The real purpose was to hunt up something for the gentleman from Massachusetts [Mr. BUTLER] to use against me.

*I do not suppose the gentleman from Massachusetts knows anything about it. I do not suppose he knows about anybody being sent there. Still, they have been there, and were sent by his friends. But, Mr. Speaker, it seemed to me under this provocation that I had a right to say "old Cock-eye" just once in a letter to a friend.*

Mr. BUTLER, of Massachusetts. That is your stock in trade.

Mr. FOSTER. It is a good stock, is it not?

Mr. BUTLER, of Massachusetts. It is all you have got.

Mr. FOSTER. I do not know that I shall say anything further. I only rose to give a history of the connection of the Ways and Means Committee with the Sanborn case and to repel the gentleman's attack. But I do want to make a further remark; and that is about the case of Phelps, Dodge & Co. A more unprovoked, unwarranted, outrageous assault upon reputable gentlemen, I have never heard of, and I believe was never heard by the House or the country before. What Phelps, Dodge & Co. may have done forty years ago I do not know. I am assured that that statutory business occurred before either of the gentlemen now composing this firm were partners in the House. What Phelps, Dodge & Co. did then I know not. But assuming that what has been said about these things is true, it has nothing to do with this case of last year. What is that case? Why, Mr. Speaker, Phelps, Dodge & Co. in the course of five years imported \$40,000,000 worth of thereabouts of tin. They paid \$5,000,000 of duty, and in that time they overvalued their goods some \$300,000. The total loss to the Government charged against them as accruing to the revenue of the country is \$1,640. Did they intend to defraud the Government, or was it an error?

Now, Mr. Speaker, when we look at such cases as this we ought to take into account the surroundings. Is there any man living who supposes that Phelps, Dodge & Co. would rob the country of \$1,640?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That is all that is charged against them. Does any man believe that they would rob the country of that sum?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That was the aggregate for five years, giving an average of about \$300 a year. We must judge a case of this kind by its surroundings. If a mendicant or ordinary vagabond should obtain \$1,600 that he could not account for we would call him a thief. But when you take into account the standing of Phelps, Dodge & Co. and their vast business, we must admit that they were simply errors; and if errors amounting to \$300 a year should creep into a business of \$3,000,000 a year, is this the great outrage, is this the great wrong to the Government that the gentleman argues should ruin forever the integrity of a leading firm like Messrs. Phelps, Dodge & Co.?

Mr. Speaker, I say shame on the Government and shame on the man in Congress or out of it who plead for such so-called justice or equity as against such an honorable firm.

Now, Mr. Speaker, if I should invite the gentleman from Massachusetts to my house to dine, and the next day should find a spoon (Jeremiah lii: 19) of mine in his pocket, nobody would believe that he had stolen it; but if found in the pockets of a vagabond we would know that he was the thief.

The trouble is, Mr. Speaker, the gentleman from Massachusetts [Mr. BUTLER] has in his pockets a large fee paid to him out of this robbery as counsel for Jayne, and it is getting too hot to hold it there comfortably. This accounts for the writhings and contortions and abuse of the name of Christian by the gentleman to-night.

Mr. Speaker, I give it as my deliberate opinion, and the country believe and I believe and the Committee on Ways and Means unanimously believe, this Congress believe, that Phelps, Dodge & Co. were deliberately robbed; and I believe furthermore that the country never will do justice by them until they pay them back the money thus extorted from them. Without attempting to elaborate the question, that is my deliberate and honest conviction of that case.

Mr. BUTLER, of Massachusetts. Then why not bring in a bill to repay them?

Mr. FOSTER. The time has not come for that yet. I have now said all I desire to say upon this subject.

Mr. E. R. HOAR. I have but a word to say. My colleague has alluded to the fact that when he proposed this evening should be set apart for speaking only, I interposed an objection, and he has chosen to attribute it to personal malignity. I think the experience of many years must have taught my colleague that I have never had any apprehension of affording him any opportunity to express his opinions or his purposes, and have never hesitated to express my own in my own humble way, even if they happened to differ from his. I am not aware he can honestly say he ever knew of a refusal on my part to do him justice.

Mr. Speaker, I thought when I heard that proposition made at this period of the session, when by resolution of both branches we were to end the session next Monday, with the great pressure of public business, with the efforts some of us were making to get to the business upon the Speaker's table in which we felt a deep interest, asking to set apart an entire evening to the exclusion of public business for bringing forward private grievances which could just as well be brought forward on the stump, and to discuss a bill which had already passed both Houses, when the opportunity which was afforded was not accepted by that gentleman, I thought we ought to prefer the public business; and for that reason I interposed the objection. I think so now. I think we should have better spent this evening in attending to the public business than in witnessing the exhibition we have seen. And so far from its having anything malignant in it, Mr. Speaker, if we had known what we should have seen and heard to-night, I think I might appeal to the judgment of the House the utmost friendliness to my colleague would have wished my objection should have prevailed.

Mr. DAWES. Mr. Speaker, at this late hour in the evening were there more occasion than there now seems to be to occupy the floor of the House, I should be very reluctant to tax its patience. So far as my colleague has made complaint against his colleagues, I am unable in looking back over my own course to suspect he has any disposition to include me in that complaint. Whether he has or not I have this to say: in my connection with these investigations of this House I have followed out a line of policy adopted by me on entering public life, when I entered this House in a minority, and which I have followed from that day to this, most of the time in the majority, never to shrink from the investigation of an alleged fraud or corruption, whether it arose among my political friends or among my political opponents, but at the same time I have studiously kept myself so that that spirit of investigation should neither be limited nor intensified by any personal hate or animosity on my part. And in all of the investigations in which it has been my misfortune to participate in this House, I have adhered to the resolution I adopted for myself when, by appointment of the Speaker in the first Congress in which I served, I entered upon an investigation; the democratic party being then in power and struggling as I believed they did to prevent and to cover up what was proved to be an iniquitous and corrupt proceeding. I then and there pledged myself that if ever I stood upon this floor in a majority I would only bring additional zeal and earnestness and sincerity to the work of bringing to the light and to condemnation and punishment whoever as a thief or as a corrupt man raised his head inside of my own party. And, sir, with no limitation of intensity, because of any personal application or because any individual lay across that path, I have pursued that rule from that day to this. I have never turned from the straight line of any investigation one hair's breadth because it was likely to lay open an unseemly and unsightly transaction in my own party; and I never shall in the little remainder of public life that is left to me.

In pursuance of that rule, in the last Congress, I began this investigation in reference to the effect of giving half of the proceeds of uncollected taxes and one-half of the fines and penalties to men who would turn their backs upon other employments at fixed salaries to engage in this pursuit. I followed it up as well as I could in the last Congress. And upon the very second day of this session, through the aid of this House, I called upon the Treasury Department to disclose what my colleague [Mr. BUTLER] has shown here to-night to be the effect upon honest men of this system which has been enforced in this country for the last fifty years upon the collection of the revenue; an effect which, I agree with him, has been continually growing worse and worse, until with him I believe that under all the force and effect of this system of moieties there has come into the Treasury of this kind of taxes but about two-thirds. Was it not time, then, was it not

a matter that commended itself to the Committee on Ways and Means, to look about and see whether there could not be some improvement upon a system of collecting and enforcing revenues which my colleague describes in this way: that the less honesty a man has who is engaged in enforcing the revenue laws the better; that efficiency, according to his idea, and success, according to his idea, are incompatible with honesty in the public service; and therefore you must have agreed to the old adage, "thieves against thieves and rogues to hunt rogues?"

Sir, it did occur to me as a member of the Committee on Ways and Means and I accordingly set on foot the investigation which resulted in a unanimous vote of this House that that system shall continue no longer; it did occur to me that better than imposing new taxes would be an improvement in the system by which the other third of those taxes already imposed should flow into the Treasury of the United States rather than into the pockets of those men of whom my colleague says that the chief commendation they have for their services is that they have no honesty to embarrass or blunt them in their ways and means of detecting rogues. Sir, no effort of my colleague or any other gentleman on this side of the House will enable him or them to enforce upon the republican party as a part of its creed or policy any such doctrine as that. Honesty and efficiency in the public service, properly rewarded by fixed and fair salaries and compensation, I put against my colleague's policy and scheme, coming down though it may from the years that are past, bringing down though it does no other fruit than inordinate fortunes in the pockets of informers and prosecutors, while the deficiencies in the collection of the revenue go on increasing year after year until the startling announcement is made upon this floor by the chief apostle and defender of it all that the result and fruit of it is that under this great system not more than two-thirds can be got into the Treasury! Sir, some other purpose, some other method, some other idea worthy of effort on our part should stimulate us to action and investigation, if the fruit of it all is going to be such a sorry and sad picture as that which my colleague himself spreads out here as the fruit of the system.

Sir, it was in this manner that these investigations originated in the Committee on Ways and Means. My colleague had much to say about the petty pursuits of the Committee on Ways and Means.

He has criticised and complained of the action of the Committee on Ways and Means in pursuing this investigation, and has spread before the House his troubles with one or two members of the committee, and has sought to impugn the motives of the Committee on Ways and Means in their recommendation to this House and in their action which commanded the unanimous vote of the House. I participate in none of that controversy. I stop to make no inquiry concerning it; I have had no part or lot in it. If my colleague from Massachusetts or my colleague on the committee from Ohio [Mr. FOSTER] has a grievance, I care not.

Having approached this matter long before the gentleman from Ohio came into the House, at all, and long before my colleague came into it, and therefore could not have any grievance with him or with the gentleman from Kentucky, [Mr. BECK,] I have pursued the even tenor of my way as chairman of the committee, directing as well as I could the examination for the purpose of demonstrating what was wrung from the very officials in the administration of public affairs here at Washington with a view to the repeal of that system. Even the last Secretary of the Treasury, when before the Committee on Ways and Means, declared it his conviction that this system ought to be abandoned. Even Jayne declared before the committee that the system was unwise and that it ought not to be continued. No man, no official, has appeared before the committee or has made any communication to the House who has not sustained this view. The late Secretary of the Treasury, [Mr. BOUTWELL,] not only voted to repeal all of these laws, but he declared in his place in the Senate but a few days ago that this same Mr. William E. Dodge, who was put in the front here by my colleague, was an honest man.

Sir, how much co-operation in this work of investigation have we received at the hands of my colleague? Although he had notice from the committee whenever any testimony was introduced there with which his name was connected, he failed to present himself there to be heard upon this question, as he has failed up to this hour to give the House the benefit of his views upon it. He has no cause of complaint against the Committee on Ways and Means for the manner in which they have pursued this investigation, so far as he is personally concerned. He had personal notice every time any testimony appeared before that committee touching him, so that he might have the opportunity to appear there. No man has cause to complain of the action of the committee. We invited the men who were receiving these moieties to appear; we invited the officials in New York, and Boston, and Philadelphia, who were receiving these moieties; but they could not find time or opportunity to appear here and give us the benefit of their counsel. And yet, Mr. Speaker, I saw them around the galleries of this House and at the other end of the Capitol when the question was pending whether these moieties should be cut off entirely. I saw them in the lobbies at this and the other end of the Capitol. There was opportunity and time enough for them to come to Washington to give the aid of their advice to legislators by their votes upon that measure of repeal, but up to this hour the Committee on Ways and Means, so far as they are concerned and so far as my colleague is concerned, have been compelled to grope in the dark,



and gather up by the best means they could the information upon this subject which could be wrung from unwilling witnesses.

Sir, whatever others may say of the effect upon the party, and the damage to the republican party, that a republican Committee on Ways and Means has inflicted by these proceedings, I have this to say, that although I have served on many committees in Congress, on none of them do I look back to the work accomplished with more pride and satisfaction than upon the work that has been accomplished by the present Committee on Ways and Means, by which they have wiped out of the statute-book forever that blemish upon the Administration which hitherto has prevailed, a provision that in order to have an efficient prosecutor you must have a dishonest man, that in order that your officers shall pursue with energy the calling of enforcing the revenue they must be stimulated by one-half of all the fruits they can gather from infractions on it.

Sir, I wish to detain the House no longer with comments upon this work of the Committee on Ways and Means. I have no personal controversy, as I have said, with my colleague. There is nothing that has transpired in that committee, over which by your appointment, sir, I have sat as chairman during this investigation, of which any gentleman in this House has any just cause to complain. The committee have submitted to this House and to the other the results of their work. The unanimous approval of both branches of Congress is sufficient for them. If I wanted any other proof of the force and power of the public commendation of this act, I would point to the effort of my colleague here to-night to baffle this current and to struggle against this condemnation of a system which I am sorry to see he has espoused and which he feels bound to defend.

Sir, I can have no lot or part in any such policy. I believe that no such dishonesty on the part of public officers is necessary as he has described here to-night. I believe that if we need more revenue we have need only the more faithfully to collect our taxes. I believe that with honesty and fidelity, with a fair and fixed compensation, we can secure that as the result of the work for which the Committee on Ways and Means have been arraigned before this House and before the country this night. They are ready to appeal from my colleague to the judgment of the House and the country.

Mr. BUTLER, of Massachusetts. Mr. Speaker—

Mr. ELLIS H. ROBERTS. Before the gentleman from Massachusetts [Mr. DAWES] sits down—

Mr. BUTLER, of Massachusetts. But he has sat down.

Mr. DAWES. If my time has not expired, I will hold the floor long enough to allow a question from my colleague on the committee.

Mr. ELLIS H. ROBERTS. When the gentleman from Massachusetts [Mr. DAWES] was discussing this question on a previous occasion he said, in answer to his colleague, the gentleman from the Essex district of Massachusetts, [Mr. BUTLER,] that it was true that the latter had introduced the first bill in this Congress to repeal moiety. I desire now to ask the chairman of the Committee on Ways and Means, where now is the bill introduced by his colleague from the Essex district?

Mr. DAWES. That bill was hung up by a motion of my colleague to reconsider the reference of the bill to the Committee on Ways and Means and it has never got there yet.

Mr. ELLIS H. ROBERTS. So that it is true that the gentleman from the Essex district did introduce such a bill, and it is now hanging, as the chairman of the Committee on Ways and Means says, upon a motion to reconsider entered by him.

Mr. DAWES. Yes; my colleague had it referred to his own Committee on the Judiciary. After that I had it referred to the Committee on Ways and Means, and he entered a motion to reconsider that reference, and it never was reached. I promised to yield the balance of my time to the gentleman from New York, [Mr. TREMAIN.]

Mr. BUTLER, of Massachusetts. How much time is that?

The SPEAKER. The Chair has really recognized, by a nod, the gentleman from Massachusetts, who first spoke to-night, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I will wait until the gentleman from New York [Mr. TREMAIN] is through. Perhaps some members may remain to hear me.

Mr. TREMAIN. Mr. Speaker, understanding that there is no other member of the Committee on Ways and Means who desires to address the House to-night, it seems to me that I cannot, consistently with the duty I owe to an honored firm of constituents, permit this House to adjourn without raising my voice to repel the most extraordinary and unjustifiable aspersions that have been uttered here to-night upon the floor of the American Congress. Phelps, Dodge & Co. are my constituents. For a quarter of a century that firm has occupied a position at the head of the mercantile community of the great commercial emporium, with no stigma or stain resting upon their honor or upon their good name.

To-night the gentleman from Massachusetts [Mr. BUTLER] has constituted himself their accuser, has appeared as witness against them, and has acted as their judge. No charges are served upon that firm to appear in this Hall; no counsel has a right to appear here to defend them. Slanders are uttered here for which a man would be held personally responsible before the tribunals of his country if uttered where he would be deprived of the immunity that shields him here. He is here protected by the broad ægis of the Constitution, which declares that no man shall be held responsible for words uttered in debate upon the floor of this House.

And yet what have we heard here to-night? For the purpose of defending two dead and buried institutions, and in pronouncing an anathema upon the action of the Committee on Ways and Means of this House for their action in condemning and hurling into that infamy from which no power on earth can lift them—the rotten Jayne moiety system, and the infernal Sanborn contract—the gentleman from Massachusetts has held up the firm of Phelps, Dodge & Co. as swindling merchants, as perjured villains, as men who have been engaged for years in attempting to defraud the revenues of this Government, and as men who ought to be held up before this crowded audience, upon an accusation which shall go upon the wings of the lightning from one end to the other of this Republic, as men who have cheated the community in which they live, in obtaining that reputation and that honor which, forsooth, are to be destroyed before the keener criticisms, the sharper instincts, and the wiser sagacity of the hero of the Sanborn contract and the Jayne moiety system.

No man can deny the power of the gentleman from Essex. But he has not the power to raise the dead; and until he has that power he can never reverse the judgment of this House and of this country that the Sanborn contract and the manner of its performance constitute the most disgraceful and disgusting performance that has ever brought discredit upon the American name. With all his power to please, and to call down the plaudits of the galleries, the gentleman from Massachusetts can never roll back the popular tide or reverse that judgment which is the judgment of the American people that the scenes which have transpired in New York, of which Phelps, Dodge & Co. were the victims, are as deserving of the condemnation of an honest and a justice-loving community as were the diabolical transactions of the inquisition and of the star chamber.

Sir, there is in all this broad land but one man who has the boldness to stand up against the judgment of an honest people, against the unanimous expression of this House, against the conscience and the honest opinions of a thoughtful and a truth-loving community in regard to these transactions. The time for making the defense was when the gentleman from Massachusetts was invited; and he did not come. He was sick! He will be sicker yet before he gets through with his connection with the Sanborn and the Jayne infamies. No man is able to stand up before the American people and sustain these atrocious proceedings.

The gentleman has said that Phelps, Dodge & Co. were guilty of frauds in regard to statutory. Sir, a falser accusation was never made. I know well the history of that stale slander, which has been picked up from the gutters and peddled in your cloak-room. It is false in every part of it.

Let me say in the first place that in the firm of Phelps, Dodge & Co. the name of Phelps is retained although the man who bore it has been dead for many years. Under a statute of New York the name of a deceased member of a firm and of the old firm itself may under certain conditions be continued by those who succeed to the business. Of course it would never be continued except where it has acquired credit and standing by probity and integrity and is a name that ought to be perpetuated.

Sir, it was nearly fifty years ago that an act of Congress was passed increasing the duty upon lead in pigs and bars from one to three cents per pound. What was the occasion of the increase? Lead mines had been discovered at Galena, Illinois, and according to the system of that day, of protecting American productions and American industry, this duty was increased 200 per cent. There had before that time grown up in the cities of Baltimore, Philadelphia, New York, and Boston large manufacturing establishments, concerned in the manufacture of white-lead, in one of which the old firm of Phelps & Peck (the name of the dead Phelps being perpetuated in the firm) were interested. When that statute was passed, somewhere from 1820 to 1824—I do not remember the exact year—these large establishments found that their business was failing; and they looked around to see in what manner they could reimburse themselves for the losses they sustained by reason of the legislation of Congress. They found that this statute, which was under the old system of duties, had left upon old lead, so called, an *ad valorem* duty of 15 per cent.

I never heard that there was anything wrong in acting precisely according to law. These manufacturing establishments consequently concluded to import old lead. I will show you by and by that as to the statutory story even the firm of Phelps & Peck had no more connection with it than the gentleman from Essex. There was a great demand for old lead. The consequence was that in the old establishments in England the roofs that were made of old lead were taken off, new lead put on, and the old lead imported to this country. Merchants and the officers of the customs submitted the question to the Treasury Department, where it was decided, properly and legally, that no more than 15 per cent. could be collected on old lead under the statute, although that lead was afterward used for the ordinary purposes for which pig-lead and bar-lead would be used.

Congress, when the next session came, proceeded to cure that omission in the old law. They did so. Then these gentlemen looked around; and they found that there was still another provision in the tariff laws under which musket-balls and bullets were admitted at a duty of 15 per cent. *ad valorem*. There was then a wonderful demand for bullets and musket-balls, old and new. They were brought over in immense numbers. Again the revenue officers submitted the question to the Government; and the Treasury officials decided that the

importation of bullets and balls at 15 per cent. *ad valorem* was according to law; that the Government could not help itself. At the next session another law was passed patching up that hole in the tariff. But afterward it was discovered that there was still another item left with a duty of only 15 per cent. *ad valorem*; and that was leaden weights and leads used by sailors. There was then a wonderful demand all at once for weights and leads. The old weights were found to be very defective. Every shipper and every sailor wanted a new set of leads. A large number were imported. In the mean time a suit was brought in New York by Mr. Price, the district attorney, but he was ignominiously beaten; for the judge, upon the first hearing of the case, dismissed the complaint on the part of the Government. Then this defect in the law was supplied. But there was still left the old statute which said that statuary and busts should be admitted either free of duty or at a small duty. Well, there never was such a demand for busts since the time when my colleague [Mr. COX] got his bust made when he and I were in Florence. Why, sir, they had statues of all the great men of ancient and modern times. They had Moses and Aaron, and Benjamin and Joshua, and Caesar and Napoleon, and Wellington, and Washington, and Jefferson, and everybody else, run into statues on the other side. Some of them came over, to be sure, as has been said, with an eye knocked out, or a nose battered, or fingers dislocated; still you could recognize them. They came in in great quantities. A suit was undertaken to be brought in New York; but Mr. Price had had sufficient experience in that line, and he thought he would not venture upon the experiment. They went up to Boston and they sued an honorable old merchant, who was one of these white-lead manufacturers, for importing these leaden statues which, according to the language of the gentleman from Massachusetts, were transferred to the melting-pots. They brought suit against him. What did the old merchant do? His name I do not remember—perhaps some one from Massachusetts here will.

A MEMBER. His name was Leavitt.

Mr. TREMAIN. Yes; I think his name was Leavitt. What did he do? No doubt if the lawyer from Essex had been there he would have run for his office if the Government officer had not got there ahead of him. As he was not there they had to take a man of less importance, and they employed a man you may have heard of by the name of Daniel Webster. Mr. Webster went into court to defend his old friend, an old Boston merchant. They proved he imported these old leaden statues, and they probably could have satisfied the jury if that had been material that he meant to melt them as soon as he had got them into his store. What did Mr. Webster do? Mr. Webster said to the judge, "I ask you to instruct the jury that the only question in this case is a question of fact, whether the articles seized by the Government were or were not statuary." It was not a question of law, but a question of fact for the jury. The judge, as he was bound to do, responded to that request by charging the jury in accordance with the request, and the jury without leaving their seats gave a verdict in favor of the defendant that he had violated no law.

And that is all there is, Mr. Speaker, of this stale old statuary story, dug up from the gutters to sustain the rotten cause of the Sanborn contract and of the Jayne moiety system and to bring discredit upon the name of Phelps, Dodge & Co.

Now, whether these transactions by the importers were moral or immoral is a question I am not called upon to determine. It is enough, however, to say in this connection that at that time no member of the present firm of Phelps, Dodge & Co., had any connection with it. It is enough to say that the firm which was then in existence, and the predecessor of this firm, was the old firm, of Phelps & Peck, that the firm of Phelps & Peck never had anything to do with the importing of leaden statuary and busts, and that the story even as to them is made out of whole cloth, thrown in here when there was no man supposed to be familiar with the facts to defend the firm of Phelps, Dodge & Co. against a charge entirely in harmony with the general character of the transactions which the Committee on Ways and Means have properly sought to reform and this House has by its unanimous judgment condemned.

Again, the gentleman tells us Mr. Dodge claimed a particular interpretation of the statute in regard to the amount of duties which should be collected upon tin plates. I am informed by an honored merchant from Boston on the floor of this House, since that charge was made, for I knew nothing of it and this is no time to be called on to defend an absent man against a charge made under the privileges of the House—I am informed by that honored merchant, who is familiar with the whole transaction, that in regard to that the Treasury Department fully sustained the claim which was made by Mr. Dodge.

Allusion has been made to the action of the Committee on Ways and Means in recommending the tariff bill which proposed a specific duty upon tin and the boxes in which it was contained. So far from being a cause of censure against the firm of Phelps, Dodge & Co., that transaction is evidence of their strong desire to conform to the law, and to guard against the defects and abuses existing under the law which had been the means of robbing them of \$271,000. Look at it for a moment.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TREMAIN. I understood the gentleman from Kentucky, [Mr. BECK,] one of the Committee on Ways and Means, to say he would yield to me whatever time he had.

Mr. BECK. I told the gentleman from New York if I had any time I would yield it to him.

Mr. BUTLER, of Massachusetts. The gentleman has yielded his time once or twice.

Mr. TREMAIN. This gentleman himself has had two hours. I understood the gentleman from Kentucky [Mr. BECK] was willing to yield his time to me.

Mr. BECK. The gentleman from New York asked me if I would give him my time. I told him I believed I was on the list, and if I had any time I would surrender it to him as I did not expect to speak myself.

Mr. TREMAIN. My name is on the list and I have the right to speak in my own right.

Mr. RANDALL. Go on; we have given the other side two hours.

Mr. TREMAIN. Mr. Speaker, what was the old law which is now condemned? If a man imported tin manufactured in the interior of England—and it is mostly manufactured in Wales—if he by mistake omits to put into the invoice the expense of cartage or of telegraphs or of expressage or of boxes or of any other item whatever, under that old law, which finds its vindicator here, not only was the article forfeited, but the whole invoice in which that article was contained was forfeited.

Nay, more; it was not necessary to show that there was any intention to defraud the Government. The Supreme Court decided that when the word "fraudulently" was omitted it was only necessary to show that the invoice was entered at less than the actual cost, and that it became a matter of law in such a case to instruct the jury that the whole invoice was forfeited. It was under such an odious system that Phelps, Dodge & Co. were sought to be charged with \$271,000 of forfeiture. Now what was the amount of duty of which it was charged they defrauded the Government? Why, sir, but \$1,600. Here, sir, is a firm which had paid more than fifty million dollars into the Treasury; while the Ways and Means Committee state it has been proved before them that they overpaid to the Government on other articles three or four thousand dollars of duty. Yet these men were to be held responsible in the large amount I have named for these trifling inaccuracies in their invoices. It was to guard against that that Phelps, Dodge & Co. and all the other tin merchants and importers of the country presented the memorial to Congress from which the gentleman from Massachusetts only read the first name, that of Phelps, Dodge & Co.; and that memorial asked that the tariff be changed. They were willing to have put on a duty which would give the Government greater revenue than they have derived from that source for the last three years. They thought one cent on the tin and boxes was enough. The committee of this House put it at one and a quarter cents. That is what there is about that.

Now, who is Mr. Dodge? He is a man who has been a member of this House, the peer of any gentleman upon this floor, the man who, after all these charges were made against him, was elected by the unanimous vote of the merchants of New York president of the Chamber of Commerce in that great city, a position that he occupies to-day. Can a man acquire such a reputation and so enjoy the confidence of his fellow-merchants if he is that rotten and corrupt and swindling merchant that he has been held up before this House to be by the gentleman from Massachusetts? Shall his good character go for nothing? Can long years of integrity and probity go for nothing? Shall his reputation for Christianity and piety, evidenced by the fruits that are welcomed everywhere by the Christian community as springing from a good heart, go for nothing? Is such a man to be ridiculed before your galleries as a man that preaches in the day-time and prays at night? Is the American Congress to listen to harangues of that character?

Then the gentleman, after haranguing the House for two hours, now seeks to stifle the voice of the Representative from New York, who has no other interest at all in this firm except simply to have justice done. It seems to me that this whole debate to-night has been in the nature of a funeral oration by the gentleman from Massachusetts over the dead; the dead and the corrupt; the dead and the condemned; the dead and the infamous. And if the gentleman from Massachusetts thinks that he is to be held as the savior of the republican party from the Ways and Means Committee, to whose eleven members he so triumphantly bids defiance, he will find that he is laboring under an egregious mistake.

The people are quick to discover an honest desire on the part of the Ways and Means Committee and of this House to correct abuses and reform the existing laws. This House by both its parties, to their honor be it said, without regard to political considerations, have condemned these laws and wiped them out of existence, and they will be heard of I trust no more forever.

There was another subject I desired to speak on; but if the House will give me permission to print my remarks I will not detain it longer this evening.

Mr. BUTLER, of Massachusetts. If there be anything personal in them you cannot.

Mr. TREMAIN. I will tell the gentleman that I intend my remarks to relate to the extraordinary debate, the extraordinary personalities, the extraordinary course that was taken in the closing hours of the debate upon the Geneva award bill, a bill that has passed this House. But I rejoice for the honor of my country that the triumph that was won here is destined, I believe, to be short-lived and to yield no fruits.



It requires not merely the consent of this House, but the consent of the Senate and the President, before a raid can be successfully made upon the public Treasury, whereby four millions of honest property can be confiscated and ten millions can be taken and given to a class of men who have no claims in law or equity upon them. That question is wholly postponed and to come before this House at its next session. I desire to notice some extraordinary aspersions, some extraordinary arguments, some extraordinary personal remarks that were made during that discussion; and I think it will be quite as proper, as that subject is still alive, to speak to it as to spend two hours in talking about dead issues. My speech would relate to the Geneva award, and I ask unanimous consent to print my remarks upon that subject.

Mr. BUTLER, of Massachusetts. You shall not have mine, sir.

Mr. TREMAIN. Amen. You will hear from me at Philippi. We will meet there.

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, I have to ask from the House a little indulgence.

Mr. TREMAIN. I rise to a point of order. Has the gentleman from Massachusetts the right to speak twice on the same subject?

Mr. BUTLER, of Massachusetts. I am going to speak upon an entirely different subject. I am going to speak upon the gentleman from New York, who is an entirely new and different subject.

The SPEAKER. The gentleman has a right to speak again unless some other gentleman desires to occupy the floor.

Mr. BUTLER, of Massachusetts. Mr. Speaker, the gentleman from New York [Mr. ELLIS H. ROBERTS] tried to quote Shakespeare in ridicule of my sickness; thus one member of the Committee on Ways and Means ridicules my eyes, and another ridicules my sickness. I am grieved that I am not always well. I am sorry that I cannot always be equal in health and good looks to the majority of the Committee on Ways and Means. But the most remarkable exhibition has been that of the gentleman from New York, [Mr. TREMAIN,] who told us when he first came upon this floor that he represented the whole State of New York, and that he had thirty-two Representatives from that State as his constituents, and he tried also to quote Shakespeare. Let me try if I cannot quote Shakespeare too, and see if I cannot do a little better:

The little dogs and all,  
Tray, Blanch, and Sweet-heart, see, they bark at me.

Mr. ELLIS H. ROBERTS. And bite.

Mr. BUTLER, of Massachusetts. Ah, yes; but only timid persons get the hydrophobia from the bite of very little dogs.

But, Mr. Speaker, let us be serious about this business. I want no better witness than the gentleman from New York, [Mr. TREMAIN,] He comes here and tells the House and the country, in addition to what I endeavored to say, that I did not think all merchants were honest. If he is to be believed they are all dishonest. Why, sir, we put a duty on lead to protect our western mines, but allowed "old lead" to come in at a very small rate of duty, and long years ago the merchants of New York, Philadelphia, Boston, and Baltimore evaded the law by tearing off the leaden roofs from houses of London and importing them into this country as old lead so as to evade our tariff. I call that swindling. I may not understand New York morality, but according to the New Testament, which tells you that you should do unto others as you would have them do unto you, that is swindling. Well, Congress patched up that law and stopped that leak; but it could not foresee all the rascality that was possible on the part of merchants. This was just after the war of 1812, and Congress passed a law providing that no lead should come in without the payment of duty, except bullets. Well, sir, these merchants, these honest men, the praying men, cast all their lead into bullets and brought them in free of duty. I should say that that was another swindle. It was cheating the Government under the forms of law, getting around the law, evading the law, using the law to enrich themselves at the expense of their country. That is what I call swindling. I am obliged to the gentleman for the facts he states. One of the house of Phelps, Dodge & Co. was in those frauds he admits.

The gentleman avers that I should not dare charge this firm of Phelps, Dodge & Co. with swindling and defrauding the Government were I not protected from suit, because I am protected from suit for what I say here in this House.

Now I want, once for all, to say to the gentleman from New York that I will claim no privilege, I will shield myself by no privilege. I will stand out on the common here at any hour he may name, and in the presence of as many reporters as he can bring there I will make these statements over again, and he may sue me for slander, and I will endeavor to respond to the judgment of the court after he gets a verdict of any honest jury against me.

Congress also allowed lead to come in free as clock-weights; that was in favor of Connecticut, where they make clocks, and thereupon these merchants, he says, brought in all this lead free of duty in that form, and thus cheated the revenue. Congress stopped that fraud by a new law, and Connecticut could have no more clock weights unless she paid duty on them. What did the merchants do then? I am only commenting on the testimony of my witness [Mr. TREMAIN] here from New York. What was the next thing they did? They looked around, and they found that statuary and busts came in free of duty, and then they cast all the pig-lead imported into statuary, and thus brought it in free of duty; and when the Government undertook to

stop that fraud, they got Daniel Webster to defend them, and he convinced a jury that they had a right to import statuary free of duty, and so they succeeded in swindling the Government in that way. Now, sir, this is the honesty of the mercantile community on the testimony of their defender who volunteers here in their behalf.

Now, I undertake to say that there is not a man in this House who professes honesty that can look an honest man in the face and say that that is either just, or proper, or right, this taking advantage of the law to swindle the country. But does not the gentleman's statement cover exactly what I told you of? I said that it was notorious that for years and years the firm of Phelps, Dodge & Co., whatever members may have composed it, had been taking all manner of technical advantages to swindle the country. If I had not proved it before it is proved now; here is the witness, their advocate, putting in their defense.

The gentleman says I brought this charge of importing lead as statuary, which he admits to be true, out of the gutter. Let us see where I brought it from. I took it from the congressional reports; I had it read at the desk of your Clerk from the Congressional Globe. Senator MORRILL was one of the debaters; Mr. ELDRIDGE of this House was another; Thaddeus Stevens was another, and he charged it as a swindle upon the revenue by Phelps, Dodge & Co.

And then upon this question of cheating in tin plates. The gentleman says why should they not, if they could only get a ruling of the Department to enable them to bring in these tin plates at too low duty because they were not "galvanized tin plates," and thus defraud the nation. Ay, why not? Why should they not cheat? I know of but one reason why they should not? Because it is dishonest to cheat; that is all, that is the only reason; that may not be a good reason in New York, but elsewhere it is; because it is not doing an honest thing, it is not doing an upright thing, and it is not doing the thing that ought to be done. I may be all wrong; I may be one of those that have not proper moral conceptions. But I would here declare that I would rather defend Sanborn and Jayne and everybody else I have heard of on the other side of this transaction, than to defend a merchant who undertakes to cheat his country in time of war, when her soldiers were bleeding upon the field of battle, by frauds and tricks cheat her out of millions of dollars each year, as these merchant princes, Phelps, Dodge & Co., did. That is all; and I dismiss them forever. If there is any man here who chooses now to defend them, be it so. After this exhibition of their case by the gentleman from New York, if there is any man here who wants to say that theirs is good morality to inculcate in his children, that this is a good thing to do, that the law ought to be made and tariffs fixed for such men, then be it so. That is what your committee has done.

The gentleman from New York says that we should not attack absent men. Why, then, does he denounce a man by name, Mr. Jayne, who is absent? I have never said anything here about Mr. Jayne, good or bad. What has Mr. Jayne done? As a special agent of the Treasury Department it was his duty when frauds were brought to his notice to inform the proper officers and have them punished. He did so; and of forty-nine cases he convicted forty-eight in court by the plea of guilty, and he brought into the Treasury in two years \$3,000,000 fines and penalties, as that book shows. That is all he has done.

Mr. DAWES. That is not all; he took half of it out.

Mr. BUTLER, of Massachusetts. No, sir, he did not; that is a simple mistake that both you and others have made.

Mr. DAWES. He and his friends about him did.

Mr. BUTLER, of Massachusetts. No, sir; pardon me again.

Mr. DAWES. They divided it up.

Mr. BUTLER, of Massachusetts. Wait a minute, don't hurry; be a little careful now. He put \$3,000,000 into the Treasury for fines and penalties within two years, he and others, independent of what they took out. Look at the record. That is as I understand it. They did according to the law of the land, and they did it by the judgment of the court. That is the beginning and the end of their offending.

Mr. DAWES. I think my colleague is mistaken about the sum. But if he is not mistaken, they took out \$2,000,000, or more.

Mr. BUTLER, of Massachusetts. I do not care if they took out \$10,000,000; they took out no more than the law allowed them as part of what they put in.

Mr. DAWES. The report shows they took out two or three million dollars.

Mr. BUTLER, of Massachusetts. We have the report here. I do not care to go into the figures at this hour of the night. Let us turn to another part of this case. The gentleman from New York, who visited Europe last year [Mr. ELLIS H. ROBERTS] and who came back just in season to pay his back salary into the Treasury, upon which I doubt not he spent his time very pleasantly in Europe—the gentleman from New York has had the kindness to have read at the Clerk's desk extracts from the evidence to show that I knew about this case because I was counsel. Why, sir, as it came out before his committee and without my fault, as I do not willingly disclose my clients' business, I will tell the whole of it now, especially as great pains have been taken that the statement should not appear in the report. I never had anything to do with fixing the penalty Phelps, Dodge & Co. should pay; they were all fixed before I came into the matter. But the informer brought to Mr. Jayne a bundle of letters which compromised some of the first women in New York quite as much in their conduct

with the younger members of that firm as the firm were compromised with the United States; and the question was with Mr. Jayne, what should be done with those letters? The informer who brought them to Mr. Jayne said to him, "You must use those letters to get more money." Jayne said, "I will not." Then it was replied, "If you do not I will complain to the Secretary of the Treasury." Mr. Jayne came to me and said, "Ought I to use those letters for any such purpose?" I said to him, "Not by any manner of means." Mr. Jayne then called young Mr. Phelps before him and put those letters into the fire; and young Phelps took him by the hand and thanked him for so doing. I went with Mr. Jayne and explained the transaction to the Secretary of the Treasury, who said to Mr. Jayne, "You did right; you acted like an honorable man."

The only thing I ever had to do with this question of penalty was when two of Phelps, Dodge & Co.'s lawyers came into my office here in Washington and said, "Will you not go to the Secretary of the Treasury and advise him to take this \$270,000 and settle this case?" I said, "I will not go and advise him, because it would do more harm than good; he understands his own matters perfectly; I cannot be of service to you in the matter." My connection with the case was because of a private transaction which the Government had nothing to do with; and but for the gentleman from Ohio, who in the course of the testimony over and over again pressed it out, picked it out, drew it out, hammered it out, and got it out, it would never have come out here at all. I did nothing in that matter more than I would do when the gentleman from Ohio [Mr. FOSTER] is attacked and comes to me for counsel, as he will I doubt not. I do not know but that I would defend even the gentleman from New York, [Mr. ELLIS H. ROBERTS,] provided my fees were large enough. For these reasons I have nothing to apologize for or retract upon that matter.

But why drag in these matters of personality except as they show that this investigation in the Sanborn case was, upon the testimony of the gentleman from Ohio, got up, not by the Committee on Ways and Means, but by himself and the gentleman from Kentucky, [Mr. BECK,] the object being on the part of the latter, properly and rightly from his political point of view, to break down the Administration; and the object of the gentleman from Ohio being to break me down to get even with me. My whole offense (as has crept out in the statement of the gentleman from New York, who is acting under my colleague's inspiration,) was that it was necessary that gubernatorial honors should not be allowed to anybody in my State except to a chosen few of high respectability, such men as import lead bullets against the law, and tear off lead roofs in London in order to cheat the revenue—"highly respectable merchants!"

To my colleague, [Mr. E. R. HOAR,] who with such solemnity asks me whether I honestly think he would do an unjust thing toward me, I answer in the same candor with which he puts the question, that if he knew it I do not believe he would. But I think the bent of his mind is so bitter that he does not know when he does a thing which he ought not to do against a man whom he does not like. Is he satisfied with the answer? I am.

Mr. TOWNSEND obtained the floor and said: I yield fifteen minutes to the gentleman from New York, [Mr. TREMAIN,] after which I will yield five minutes to the gentleman from Florida, [Mr. PURMAN.]

Mr. TREMAIN. Mr. Speaker, it is difficult to tell which most to admire, the high-toned sense of honor and morality of the gentleman from Massachusetts, who sees so much fraud in the conduct of men who have been vindicated and sustained by the action of a court and jury, or his logic in finding in my argument a sufficient ground to condemn Phelps, Dodge & Co. Sir, I have stated distinctly, and the gentleman knows it well, that Phelps & Peck, who were the firm in existence when the statutory was imported some forty or fifty years ago, had no agency whatever in its importation. They had no more connection with it than had the gentleman from Massachusetts, and yet, forsooth, he finds in my remarks sufficient to sustain his charges against Phelps, Dodge & Co., and proceeds to indulge in a general tirade of abuse against the merchants of this country—merchants whose names are synonyms for honor, for patriotism, and for integrity, and who would not thank me for vindicating them against the frivolous and unfounded aspersions of the gentleman from Massachusetts.

Again, he asks why did I denounce Jayne? I denounced the systems with which Jayne and Sanborn were associated. I exonerate the officers of the law, for they are honorable officials in the city of New York, who no doubt did what honorable men should have done in executing the law. I would not be understood as criticising in any manner the action of the revenue officers of New York, for all of whom I entertain the highest respect and esteem. But it was the system I denounced, and I rejoice that it has been condemned and forever exploded.

The gentleman says we drag in personalities. A singular complaint from such a source! Who but he has introduced personalities into this House? Who but he in the Geneva award debate, which he now objects to my answering, introduced personalities? I send to the Clerk a passage I desire to have read in regard to personalities. I ask the Clerk to read that portion which is marked. The gentleman's speech is withheld from the RECORD, and hence I send up Harper's Weekly, which contains the newspaper version of the transaction.

The Clerk read as follows:

In the further course of Mr. BUTLER's argument, Mr. TREMAIN asked him if he would allow him to put a question.

Mr. BUTLER, of Massachusetts. Yes, if you will keep quiet afterward.

Mr. TREMAIN. That depends upon whether you tell the truth or not.

Mr. BUTLER, of Massachusetts. If that is a good reason, you will keep quiet all your life, and die with your tongue dumb; but the difficulty is that Tweed was convicted, and the lawyer who convicted him cannot keep quiet ever since.

Mr. TREMAIN. And you sympathize with him?

Mr. BUTLER, of Massachusetts. I do, with such a counsel as was against him. [Laughter.]

Mr. TREMAIN. Undoubtedly there is a bond of sympathy between you.

Mr. BUTLER, of Massachusetts. I think that such a man should be hunted by lions, and not by jackals. [Laughter.] Do you see the disadvantage of interrupting?

Mr. TREMAIN. None whatever.

Mr. TREMAIN. Now, Mr. Speaker, let me recall to this House the circumstances under which that violation of the rules of this House was perpetrated. Three speeches had been made on the part of the champions of the war premiums, without any opportunity to reply, under the management of the gentleman from Massachusetts. No answer was allowed to the question which I proposed to put to one of his field-m Marshals, the gentleman from Maine, [Mr. FRYE,] a gentleman for whom I entertain the highest regard. When closing the debate the gentleman from Massachusetts stated that Judge POLAND's bill declared insurance companies should be paid, a statement that was utterly unfounded in fact, and I asked, in accordance with the courtesy and usages of the House, if he would permit me to put a question. You have the answer before you. Sir, the time has been, when I was younger than I am, and had as I think a more imperfect view of my duty, when swift and certain punishment would have followed the application of that language to me.

But, sir, I trust I never shall forget that solemn declaration that "Vengeance is mine; I will repay, saith the Lord." I have too much self-respect and too high a regard for the honor of this House to respond in the same coin, no matter how copious and abundant may be the wealth of materials available at my command. Nor, sir, do I believe the good people of this country will believe me to be a jackal, nor complain of my agency in convicting the notorious Tweed. No such language as I have quoted nor any other from the same source can insult me. I believe rather, sir, that the honest judgment of the thinking, sensible people of this country, as they read at their breakfast tables that extraordinary exhibition on the floor of the House of Representatives, would be, "What else can you expect than a comparison drawn from the animal creation when that comparison comes from the mouth of?"—I forbear from finishing the sentence.

The gentleman has quoted Shakespeare. Let me also quote Shakespeare as applicable to him. On the Geneva award debate this Hall rang during three hours with charges, when no opportunity was given to answer; when even fifteen minutes were refused to the gentleman from Kentucky [Mr. BECK] to say a few words in favor of insurance companies, though the pledge had been given when consent to close the debate at three o'clock was obtained from us that we should have one-half the time—I say the Hall rang with all sorts of charges, among which were charges against Mr. Evarts, ex-Attorney-General of the United States, a man standing, if not at the head, at least in the front rank of his profession in New York and in the country, with charges against every lawyer who did not speak against the insurance companies as having been bought, not directly, not in a manly way, but in that insinuating, ambiguous form which the gentlemen know how to employ without violating the rule which prohibits personalities, and yet carrying the impression to the groundlings that every man who stood up here in favor of what he supposed to be the claims of justice and right was paid by the insurance companies. The very able gentleman from Maine, the field-marshal of the commander-in-chief—I will not put him down so low in rank as to call him a lieutenant or adjutant—the gentleman from Maine [Mr. HALE] said, "Do not put this case into the courts, for there the insurance companies are sure to win."

But the gentleman from Maine says do not put this case into the courts, because there the insurance companies are sure to win. It is a well-settled principle of equity that the insurance companies were subrogated to the rights of the assured. And so it went on for the benefit of the war-premium claimants, and the ten millions were to be taken out of the Treasury and distributed among the men that were not entitled to it.

Now, there is a description of such another crusade that I find in Shakespeare's second part of King Henry VI. Shakespeare has described all sorts of people in ancient and modern times, and he gives Jack Cade's language to Dick the butcher, Smith the weaver, and others of a similar stripe, who rallied around him, in these words:

CADE. Be brave, then; for your captain is brave, and vows reformation. There shall be, in England, seven half-penny loaves sold for a penny: the three-hooped pot shall have ten hoops; and I will make it felony to drink small beer; all the realm shall be in common and in Cheapside shall my palfry go to grass. And, when I am king, (as king I will be,)—

ALL. God save your majesty!

CADE. I thank you, good people:—there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers, and worship me their lord.

DICK. The first thing we do, let's kill all the lawyers.

CADE. Nay, that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment? that parchment, being scribbled



o'er, should undo a man? Some say, the bee stings; but I say, 'tis the bee's wax; for I did but seal once to a thing, and I was never mine own man since.

The difference between the ancient Jack Cade and the modern is that instead of saying there should be no money, the modern Jack Cade says, "You shall have your pockets full of money, all glittering in bright greenbacks, bearing the stamp of the Government."

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. WEST, Mr. RAMSEY, and Mr. SHERMAN to be the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.

The message further announced that the Senate agreed to the concurrent resolution of the House of Representatives directing the distribution of the three thousand copies of the Statistical Atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873.

#### RECOGNITION OF CUBA.

Mr. PURMAN. Mr. Speaker, the first cry of freedom in Cuba, though in a different language from ours, sobbing across the narrow Gulf Stream, received a ready response and re-echo in the chivalric hearts of Florida. Florida, once a sister with Cuba in the family of the once great Spanish nation, cannot be oblivious to the struggling condition of her less fortunate relation. The blood of a historical consanguinity yet courses through the veins and memory of our people.

It was the good fortune of our State to have been first plucked from the grasp of Spanish dominion by the reckless gallantry of a cavalier general and in violation of all international law, and the jewel of American liberty was set upon her brow in the similitude of a captive beauty crowned by her conquering and conquered knight. She escaped the penalty of a bloody revolution paid by all her other sisters as the price of their liberty and independence.

Severed so early by a most happy fate from the mother family and blessed like a beautiful damsel of poor estate wedded by a mighty king, she has not grown selfish in her happiness nor haughty in her superior station, but like a true sister comes to the rescue with all the power of tears and prayers—tears to beseech propitiation from Heaven, and prayers to beseech mercy and recognition from this United States Congress.

In the session of 1870 the Legislature of our State spoke as follows by the adoption of the resolution introduced by myself:

*Resolved by the people of the State of Florida, represented in senate and assembly, That we are not and cannot be indifferent to the eventful history which our neighbors are enacting on the island of Cuba in their patriotic endeavors for freedom and independence. That by our proximity of country, by the comity that has always so happily prevailed between our respective people, by our own love of liberty, and by the promptings of our own political religion, that all nations should be free and enjoy the blessings of popular institutions, we extend our heartfelt sympathies and hopes to the struggling patriots of Cuba, and with them unite our invocations for their speedy deliverance from oppression and their victorious establishment of a free government, which is the only rightful authority on earth to which universal man should acknowledge obedience; and that our expressions of fellowship in feeling and prayer may carry with them at least the power of a moral support and encouragement, we hereby request our Representatives and Senators in the Congress of the United States to respond to the strong popular sentiment of the whole country, and at once accord by the sovereign voice of Congress those belligerent rights and protection to the cause of free Cuba which a common justice, kindred principles, and an enlightened humanity demand, and which are sanctioned by the usage and laws of nations.*

Again, in the session of 1874, upon the resolution introduced by Senator Howe, of Key West:

Whereas the people of the island of Cuba have been and are still struggling for their national existence and are trying to establish a free government for themselves and their children; and whereas the war waged by the Spanish government has no parallel for its inhumanity in modern times, and should not be permitted by any civilized nation: Therefore,

*Be it resolved by the people of the State of Florida, represented in senate and assembly, That the Congress of the United States is requested to adopt such legislation as may be necessary to enable the national Government to extend such aid to the people of Cuba as becomes a great republic, whose people so ardently sympathize with an oppressed nation.*

*And be it further resolved, That our Senators and Representatives in Congress are requested to present these resolutions to their respective bodies as expressive of the sense of the people of Florida.*

Again, through the voice of her chief executive, who sent the following telegram greeting to President Grant upon the apprehension of difficulties arising from the capture of the Virginian and the assassination of portion of the crew:

STATE OF FLORIDA.

Executive Office, Tallahassee, Florida, November 20, 1873.

U. S. GRANT,

President of the United States, Washington, D. C.:

In case of serious difficulty with Spanish authorities in Cuba Florida will do its duty; and as we hold the front position geographically, so we will claim the front rank in the cause of national honor and human liberty.

M. L. STEARNS,

Governor.

This tender to the President meant indignation at the insult offered our flag, earnestness for the vindication of its honor; for it was written by a governor with his left hand, having already lost his right arm in defense of his country's flag.

Thus has our State spoken in the most solemn and authorized manner known to our constitution; and were I, from any possibility, to remain silent upon this floor upon this stirring question of a people who are our neighbors by geography, political aspirations, and reciprocal interests, fighting and dying for liberty and independence, I would be recreant to my own convictions of duty and to the most sanguine sentiments of my constituents.

Sir, I give my most cordial support of heart and hand and vote to the resolution of the gentleman from Vermont [Mr. POLAND] for the recognition of the independence of Cuba.

If the principles and facts enunciated in the four propositions of the preamble to the resolution are correct, then every unbiased mind cannot fail to see in the logical deduction independence, and independence only.

The first proposition is—

It is the clear and undoubted right of any American colony to sever its connection with the mother colony, and establish itself as an independent nation, whenever the good of its people requires it.

Is this proposition as a political principle correct, and sanctioned by the proudest pages in the history of our own country?

The grandest monument to the wisdom and patriotism of our revolutionary sires is the immortal declaration of our own independence as Colonies from the kingdom of Great Britain. They declared life, liberty, and the pursuit of happiness as the fundamental and inalienable rights of man, having been endowed with these rights not by any ancient parental monarchy or free constitution, but by their own Creator; that only for the purpose of securing these rights were governments instituted among men, and the powers of such governments are alone derived from the expressed will of the majority of the governed; that whenever any form of government becomes destructive of these rights, it is the right of the people to alter or abolish it and institute a new government for their better safety and happiness.

Such was the new political doctrine adopted by our colonial fathers in the New World; and after another declaration that the colonies are and of right ought to be free and independent, they mutually pledged to each other their lives, their fortunes, and their sacred honor for the support of their new doctrine, and the Rubicon was crossed forever.

What degenerate son will deny a single principle baptized in the blood of our own Revolution, or deface a single stone bright with our own glory in this temple of liberty reared for us by our forefathers? "Whenever the good of its people requires it!" Sir, God and the enlightened world know that the good of the 677,951 white people, and the good of the 605,461 colored people in Cuba, over a quarter of a million of the latter being bound in abject slavery, require as speedily as the pen of fate can write the event the fullest abolishment of the last vestige of Spanish domination over the island.

What nameless oppressions for centuries have been endured by the devoted people of this beautiful island the Christian world never could fully know.

The Spanish tyrant repressed all general education, prevented the free introduction of knowledge among the people, suppressed all societies for the promotion of any useful or popular purpose, and under such a never-ceasing system of suppression the Cuban's history, as apart from the unreliable information furnished by the tyrant himself, remains unwritten, and preserved only in cherished tradition.

From the day the native Indian chief Hatuey was burned at the stake, exclaiming with his dying breath, "I prefer hell to heaven if there are Spaniards in heaven," to the hour when the late President Céspedes, discovered by a Spanish detachment in the Sierra Maestra Mountains, fired the contents of his last revolver at them and cast himself headlong over the rocky precipice, preferring a sublime suicide to Spanish capture, this island has been the scene of such tyranny and crimes as to shock all Christendom and cause the very heavens to weep.

Hear but a hasty recital of the wrongs that have crushed generations after generations, and ask yourselves the question whether the American people have no sympathy for these heroic patriots, and whether our recognition of their independence, not by enthusiastic declamation, but by the passage of this resolution, is not our solemn duty in the interest of an exalted and prophetic patriotism, and in the light of that Christianity which teaches us to love our neighbor as ourself.

Hear the wrongs, hoary with age and to-day dripping with the blood of the oppressor and the oppressed.

The island has been under martial law since 1825.

Cuba is permitted no representation in the Cortes or Congress of Spain.

The natives of the island are excluded entirely from the army, the judiciary, the treasury, and the customs.

The military government assumes the charge of the schools, and the inhabitants are forbidden to send their sons to the United States for educational purposes, and only one child out of eighteen is allowed to be taught to read and write.

The press is under the vilest censorship and newspapers from abroad with few exceptions are contraband, while letters passing through the post are opened and purged of their contents before delivery.

Cubans are deprived of all arms, and are not allowed to carry even a fruit-knife under a penalty of imprisonment for six years, and are fined five pesos (dollars) for carrying canes of a larger size than can be easily introduced into a gun-barrel.

A Cuban must purchase a license before he can invite a few friends to take a cup of tea at his board, and no person can remove from one house to another without first paying for a government permit.

Farmers are compelled to pay 10 per cent. on all their harvests as soon as gathered except sugar, and on that article 2½ per cent.

Upon every species of property sold the sum of 10 per cent. on the purchase price must be paid to the government.

The grazing of cattle is taxed exorbitantly, and no goods either in or out of doors can be sold without a license.

They have no right of trial by jury, no liberty of speech or of the press, and are not permitted to assemble themselves to the number of three without being dispersed.

Stamped paper must be used for all contracts, costing eight dollars per sheet; flour is taxed ten dollars and fifty cents per barrel from the United States and two dollars and fifty cents from Spain, and the rich only can eat flour while the poor eat cassava-root.

The culture of wheat, which grows luxuriantly, is restricted. Bread-stuffs from the United States are excluded or burdened with heavy duties for the benefit of Spanish producers.

Ice is monopolized by the government and fishing on the coast is forbidden, being also a government monopoly.

The captain-general and his stewards levy taxes and contributions at their pleasure, amounting now to more than sixty millions per annum. With this revenue the government keeps an army of fifty thousand Spanish or Peninsula troops on the island, pays a vast number of officials, part of the clergy, half the entire Spanish navy, and many officials of rank at home in the mother country, and the surplus, if any, is remitted to Spain and expended on matters entirely foreign to the interests of the island.

Is it unnatural that a social gulf, deep as an unfathomable abyss in the Alps, has for ages divided the Cuban from the Spaniard? What an Iliad of woes in this richest territory on the face of the globe—a paradise by nature made a hell by the Spaniard. Was ever the oppression of the American colonies by the British government equaled by one hundredth of the oppression inflicted for centuries upon the unfortunate colony of Cuba? The forms at least of civil government prevailed in our Colonies, and the protection of life and property were at least asserted in the equal laws of Parliament. In Cuba the only government is a military despotism, where the fate of all life and property ever hangs in the uncertain balance of an arbitrary will and from whose decree there is no earthly appeal. Upon remonstrance the British Parliament alleviated the taxation of our Colonies until the duty on tea alone remained the most obnoxious imposition. In Cuba everything is taxed, without precedent or propriety, and the burden of the imposition is only graduated by the ability of the subject to pay the extortion, with no cortes or parliament to appeal to for even temporary justice or alleviation.

The principle that taxation and representation are inseparable in any just government impelled our fathers into a revolution by formal declaration on the 4th of July, 1776. Impelled by the same conviction that taxation and representation are inseparable, and goaded by the iron of tyranny piercing their flesh at every turn, the patriots of Cuba declared their independence from the thralldom of Spain on the 10th of October, 1868, at Manzanillo, and submitted to the God of their conscience, and all civilized nations, the asseverations of their patriotic purpose.

Who can declare in the face of this free nation that dates its liberty from the rebellion of its fathers, and without doing violence to the truth of our own history, that the people of Cuba have a less righteous cause for freedom and independence than we had in 1776?

Sir, any change from a military despotism will be for the good of a people so mysteriously cursed in this omnipotent toleration by a common Creator, and the generous American people have for years been convinced that the independence of Cuba will alone secure the universal disenthralment of this island and relieve the United States from a constantly threatening danger of collision with Spain herself.

The second proposition in the preamble is capable of incontrovertible establishment:

The people of Cuba have declared themselves free and independent of the government of Spain, have established a government for themselves and abolished negro slavery, and for more than five years have successfully resisted all the efforts of Spain to reduce them to submission and re-establish the condition of negro slavery in that island.

The revolutionists, headed by Carlos Manuel de Cespedes, an able lawyer and wealthy planter, raised the standard of revolt on the 10th of October, 1868, and issued their declaration of the justice and determination of their cause.

A few extracts from the memorable instrument I beg the House to hear:

In arming ourselves against the tyrannical government of Spain we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.

It is well known that Spain governs the island of Cuba with an iron and blood-stained hand. The former holds the latter deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally proscribed and thrown into exile, or executed by military commissions in times of peace; hence their being kept from public meeting, and forbidden to speak or write on affairs of state; hence

their remonstrances against the evils that afflict them, being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth, to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor, and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from her shores by the Spanish government. And as Spain has many a time promised us, Cubans, to respect our rights, without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation unutterably revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleading for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battlefield, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them and secure our future welfare.

To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free, as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

During the first month of the war a provisional government was organized at Bayamo, and on the 10th of April, 1869, a convention met at Guaimaro of the delegates of the different sections of the island, where a constitution was considered and adopted. Their constitution is similar in all essential features to any of the free constitutions of our States, and by article 24 slavery is forever abolished, and all the inhabitants of the republic of Cuba are declared absolutely and forever free.

For more than five years the Cubans have successfully resisted all the power of Spain to reduce them to submission, and more than five hundred and sixty-eight engagements have been fought, many of them it is true of small proportions and inconsiderable damage, while again scores of battles have been fought where from 100 to 800 were left dead upon the field. At the battle of Cubitas 300 Spaniards were killed and 500 wounded, and 160 Cubans killed and wounded. At Guantanamo 1,200 Spaniards and 135 Cubans were killed and wounded. In March, 1874, the Spanish General Arminan was defeated at Guasinias by General Maximo Gomez in such a disastrous manner that he fell back to Puerto Principe with scarcely a single man of his column five thousand strong.

The constitution and laws passed by the house of representatives, notwithstanding all the contrary statements by the enemies of free Cuba, continue to rule as regularly as can be expected from an infant republic whose twofold difficulties simultaneously are the institution of itself and the fighting of its opponents, and the latest information shows that the Cubans hold their own from Santiago de Cuba to the district of Cinco Villas, over more than half the territory of the island. Wherever the patriot soldiers sweep they leave terror and destruction behind them. To the Spaniard's plantation they carry irretrievable devastation, while to their slaves they carry the invitation to freedom which is as instantly embraced, for freedom even in the camp and dangers of the liberators is far dearer than that brutal bondage in which there is no emancipation save in welcome death.

The white and colored soldiers in the patriot army fight side by side for liberty, are not divided off into colored and white regiments, stand shoulder to shoulder in the same ranks, and in the number of commissioned officers are as many colored as white. One of the bravest and most successful generals in the Cuban army is a colored man, General Policarpo Rustan, called the "Hero of the East."

With 605,461 colored people on the island, 379,523 of them held as slaves, and this battle of freedom raging around them, the very flame and smoke of which offer them their only hope of deliverance, the bloody struggle must inevitably keep on increasing instead of diminishing, and all efforts of Spain to re-establish slavery on the old foundations once destroyed by the patriots must indeed fail, and unspeakable calamities will follow each unsuccessful attempt, until that day, whether immediate or remote, (for time works no interference with the providences of God,) when the shout of liberation shall arise all over the island and the chorus reaching our shores shall go swelling through the South like an army of angels making music with their wings.

The third preamble is so susceptible of direct proof, that I shall content myself with a few references only and extracts from official documents:

The war between Spain and Cuba has been and is now being conducted with a degree of barbarity shocking to all Christendom, and there is no reasonable prospect that Spain will ever be able to re-establish dominion over the people of Cuba.

The history of Spanish rule has ever been one of rapacity and cruelty in all her colonial possessions. Her peace is filled with violence and her wars with barbarity. From the treacherous murder of Incas and Montezuma to the last dastardly assassination of Captain Fry and his companions, her record is one of continual blood and inhumanity. She commenced on one line of policy in 1850 with the



wholesale execution of Lopez and Crittenden and their followers, and has not swerved from it to the present day. Cubans taken prisoners are butchered on the battle-field, and Americans or foreigners captured in actual or constructive hostility are summarily executed as pirates, in violation of all civilized rules and international law. In January, 1869, the Spanish soldiers inaugurated a reign of terror in Havana, assassinating at theaters, in coffee-houses, and in the streets men, women, and children. In March three hundred persons of the best Cuban families were exiled to the island of Fernando Po, where more than half of them perished from cruelty and privation. In February, 1870, in Santiago de Cuba, eighteen prominent, rich, aged, and peaceful persons were executed without trial. During the year 1870 it is estimated that ten thousand unarmed and peaceful Cubans were shot by the Spaniards. In January, 1871, Colonel Alvear's Spanish troops murdered the ladies and children of the distinguished Mola family, whom they found on a plantation. In November the military authorities arrested and executed eight boys and condemned others to the chain-gang for the alleged offense of desecrating the grave of Castanon while as medical students they were playing in the cemetery.

The civilized world stood aghast at this incredible inhumanity. Behold the horrid picture, as drawn by Senator Benot in the Spanish Cortes itself:

Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine for this irreverence, and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs. Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied it, subjecting your innocent sons, after they had been acquitted, to another council of war, and there, at the point of the bayonet and under the fears inspired by the howls of these blood-thirsty hyenas, there condemning eight of your sons to death and the rest to the chain-gang! The children numbered forty-four, and the second council of war ordered them to draw lots who should die. Among the others it fell to the lot of two brothers, and the stony hearts of the judges even thinking it hard to deprive a father at one blow of both of his sons pardoned one of them; but in order that the number should remain correct they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without seeing or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not even been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions? Would to God that the bitter tale were hidden from all the nations of the earth!

In January, 1872, Captain-General Valmaseda issued a proclamation that every male person found away from his home should be shot, the women, if white, be put in prison and banished, and, if colored, to be condemned to the chain-gang for four years. In April Colonel Morales captured a place where twenty-five women, ten children, and six old men were living peacefully, and executed them all. During the year 1872 it is estimated that four thousand unarmed persons were shot by the Spaniards. In November, 1873, the American ship *Virginus*, with one hundred and fifty-six men on board, was captured by the Spaniards. Out of this number four were instantly shot without trial, and forty-nine more after a mock trial, and in utter violation of our treaty with Spain, were shot within a little more than one week after their unlawful capture on the high seas. Persons are tried and sentenced to death while absent or out of the country, children are immolated, judgment is passed upon the dead, the innocent suffer for the guilty, human ears are fried and eaten, and the only power is that of brute force in the lawless service of tyranny and plunder.

Here is another scene of barbarity, shocking to all Christendom:

SANTIAGO DE CUBA, November 15, 1873.

MY DEAR FRIEND AND BROTHER: I know you will pardon me for not answering your letter of last April, in which you desire "full information in regard to the massacre of the Grand Lodge of Santiago de Cuba and the present condition of their widows and orphans." When your letter was received it had the appearance of having been opened. This fact and the contents of the letter convinced me that if the reception of the letter by me was known by the governor, my life, in spite of my high official position, would not be worth a moment's purchase. I immediately burned the letter, and, beyond my usual correspondence on business-matters, have not thought it advisable to touch on matters and things of our unhappy island, much as I should have desired you to have the horrible facts to present them to the Grand Lodge of New York at their last sitting. But this, you know, was impossible, as every mail was searched, and life here is held of no value whatever. But the affairs of the last few days and the savage acts of the volunteers have compelled many to leave here secretly, as there is no knowing where this will all end, and by this mode I send this letter, though when it will reach you, God only knows.

The Grand Lodge in 1869 met here, as was their custom since their organization. They had never been disturbed by the government, although their time and place of meeting were well known to all of us. The night before the meeting I was informed that the arrest was to be made, and that, should there be any resistance on the part of the tiler to the free entrance of the officers, the troops were to fire into the building and burn it, with all those within. I personally informed the Grand Lodge of these intentions, and the next morning learned that they intended to hold their session with open doors. They did so, and were arrested and that night confined in the jail. The next morning they were informed that they should be taken to Havana for trial; but three hours after sunrise they were all taken outside of the city and shot. This act created considerable excitement at the time, but, as it was imprudent to speak of it, it was soon hushed up.

The families of those men thus shot were placed on trial for the act of the heads of those families, and, as a result, their property was confiscated; they were declared paupers, and at the same time the populace was forbidden, under pain of imprisonment, to render any of them any assistance. Thus, being deprived of home and shelter, food and the means of obtaining it, forbidden to leave the jurisdiction of Santiago de Cuba, these poor, helpless creatures sought shelter in the woods near here, and became one common family.

But the inhumanities, cruelties, and barbarities which these women and children

have been subjected to passed the belief of a civilized being. I could not describe what I have seen and been unable to prevent. All robberies are laid to their door, and even supposed robberies were gotten up, so that the chase of the blood-hounds might be witnessed by the rabble, and the suffering of some one of the poor beings added to their thirst for morbid depravity. It was not two months after the executions that I saw one of the women, who was about to become a mother, placed between two boards, upon which sat a heavy, burly savage, surrounded by a dozen soldiers and several officers, who were trying to compel this helpless being to confess a crime of robbery which I had previously investigated, and could find nothing that warranted the belief of a robbery having been committed. Her dead body was left there, and, four days after, when the stench compelled its burial, it was found to have been partly devoured by dogs. Since that time to the present these poor creatures have been subjected to outrages beyond description or comprehension by the people of a community such as you live in.

#### ONLY A FEW LEFT.

There are now but few living, perhaps thirty to forty souls, though in 1869 they numbered in all over three hundred. Some died from starvation, others from exposure, while the majority of them were killed by blood-hounds, for it is one of the sports of these brutes to hunt these poor people as game. I have seen bodies of those thus killed whose sex could not be distinguished by reason of mutilation. An attempt to exterminate them was made a few days ago by the volunteers and some of the crew of the *Tornado*. When the *Virginus* was brought into the harbor it was made the occasion of great festivities, and liquor flowed freely. Toward midnight a party of three men, with hounds to hunt their victims, started for the woods. No one dared to prevent what it was known would follow. The next morning they boasted in the streets of what had taken place, and related with pride and pleasure the violence to which they had subjected these women and girls, some of the latter being only ten years old.

#### BURYING NINE VICTIMS.

With an associate official, we that afternoon proceeded into the woods, and ordered the burial of nine whom we found dead. Seven were suffering from violence that I cannot describe; one was black in the face, she having been choked to death, while another had her entire breast bitten off. I returned, sick at heart, unable to render the slightest assistance, though I had been compelled to look on with apparent indifference.

By means of negroes we render them what assistance we can. Clothing we cannot send, as this might be identified, but food and medicines we have so far been able safely to send through slaves, who have more pity for these beings than they who once shared the bounty and hospitality of those they now persecute.

I need not ask you to keep my name to yourself. You know where all the proof can be had of this and other matters. I have not gone into the matter in the full detail that the case deserves. If the people in the United States should petition their Government to give the moral influence of some kind of protection, the money could easily be had to either take them out of the country or provide for them without any expense to the community. In God's name, do what you can for humanity.

The Secretary of State, in a dispatch to the Spanish minister, October 13, 1869, says that the civil war in Cuba has continued for a year; battle after battle has been fought, thousands of lives have been sacrificed, and the result is still in suspense; and the minister is reminded of the frequency with which, in the interest of humanity, he has been obliged to remonstrate against the atrocities and cruelties which have attended the conflict in Cuba for the last year. The principle of neutrality has controlled the proceedings of the Administration, he says, with regard to the war in Cuba; but he cannot admit the indefinite protraction of a conflict such as has existed for the past year in that island, a conflict marked with cruelties, destruction, and devastation without parallel in modern civilized warfare.

The American minister at Madrid reminded the Spanish minister of state that this Government had before remonstrated against certain proclamations of the captain-general of Cuba that threaten a mode of warfare at variance with the recognized customs of civilized nations; and he protests with all solemnity, in the name of the President of the United States, against the deplorable excesses which have thus far characterized the war in Cuba, and insists, in the name of humanity, while hostilities are prolonged, that the war shall be conducted in a manner more in accordance with the humane and Christian sentiments of the age. For nearly a year the insurgents have maintained themselves against all the forces which Spain and the Catalan volunteers have been able to put into the field against them. In the judgment of the President, in which the whole civilized world will coincide, the time has come, he says, when this struggle shall be carried on in a more humane way. To shoot prisoners of war simply because they are taken with arms in their hands is not in accordance with the custom of the Christian world. We have a right on our part to insist that Spain shall carry on this war hereafter in a manner more in accordance with the humane and Christian sentiments of the age. And the Secretary of State, Mr. Fish, in his dispatch of November 12, 1873, to our minister, Mr. Sickles, declares that such wholesale butchery and murder are almost incredible; that it would be wholly incredible but for the bloody and vengeful deeds of which Cuba has been the theater, and that no government deserves to exist which can tolerate such crimes.

The fourth and last preamble of the resolution is as follows:

In consequence of the proximity of the seat of war to the United States the war has been and is injurious to the interests of the people of the United States, and it is evident that a prolongation of the contest will result only in great suffering and bloodshed, to be followed by the ultimate recognition of the independence of Cuba by Spain herself.

The proximity of the island of Cuba to our own country, commanding as it does the approach to the Gulf of Mexico and barring the entrance to the Mississippi River, which drains half of the North American continent and is the great highway of commerce of the Western States of this Union, forces the question of its condition and destiny upon our most serious consideration and invests this question with interests peculiarly American.

This island keeps watch at the door-way of all our Mississippi, Gulf, California, and South American commerce, and nature and necessity

will ever demand that it shall be the friend and ally of the United States, and its enemy never.

The prolonged war in this important and neighboring island has been and is injurious to the interests of the people of the United States, and its indefinite prolongation, with all its destruction of productive industries, its horrors and barbarities, must be firmly discountenanced, for the potent voices of humanity and commerce demand it. What greater agencies controul the destiny of nations than the Christian sentiments born of a common humanity, and the interests of trade which marshals the money of the world? Under the present war of extermination and ruin, as it draws its bloody length along from year to year, with neither conquest on the one side nor independence on the other, no nearer success than five years ago, American citizens are suffering in life and property, and the treaty obligations to this country are violated with daily defiance and thus far with impunity. We desire no hostile attitude between the United States and Spain, and only from a sincere regard for the mutual interests of peace do we desire a speedy termination of hostilities in this unhappy island, and in the light of the past experience and the unconquerable difficulties in the future it would seem that the Spanish Cortes itself must see that this war can only be a fearful waste of blood and treasure for a time, to end at last with exhaustion and the expulsion of its flag from this Gem of the Antilles.

Torn by civil war and contending armies, with no established form of government or fixed rule at home, how can Spain have any reasonable hope to subdue this revolution in Cuba? Can it be expected that the republican governments in this hemisphere will have more regard for the pride of a decayed monarchy or an insincere and insecure republican dictatorship in Europe than for their own sense of justice and political and commercial interests?

All nations steer their policy by the compass of national interest. European diplomacy is nothing but a network of self-interest, frequently torn by mighty wars but quickly repaired by the oft-renewed treaty, and thus treaties, intrigues, and wars hold their perpetual successions, like the rotations of the seasons. Our hemisphere has no such network of international dangers. With a simplicity and uniformity of government in every portion of it, and entangling alliances with no European systems, our national existence may ever be characterized by the successful study and fruition of the highest happiness attainable by the science of government.

But can the United States be indifferent to an indefinite protraction of this contest in Cuba? Has its continuance for five years been injurious to the interests of the United States? In the statesmanship of every country two questions are always prominent, and cannot be exceeded by any other considerations, that of national safety and national revenue. The preservation of our institutions, and the extension and protection of our trade are the vital organs in the body of our country's welfare itself, and these being more directly under the guardianship of the representatives of the people demand our first solicitude and maturest reflection.

The interests of a country consist not alone in the profits of business, and the collection and disbursement of its revenues, but also in the contentment of its people, in the uncompromising protection of their rights abroad, in the undoubted power and disposition of its government, and in the respect and inviolability of its flag upon all the waters of the globe.

All of these interests of the United States have suffered most injuriously, and must continue to until the conclusion of this mad contest in the very pathway of our commerce and on the very threshold of our bordering sea of the south.

The danger confronting us is an outburst of hostility at any moment between the United States and Spain, and all on account of complications arising out of the present condition of Cuba and our inseparable relations with that island. To avert this danger, which is not appalling to our power, only discordant to our cherished policy of peace, the early tranquillity of this island is a question for our serious contemplation. As lovers of our country, we will at least not hesitate to initiate the process of pacification, or, better still, the peaceful process of independence in Cuba before we ourselves are drawn unwillingly into the vortex of war. But shall this pacification be secured by the defeat of liberty or the expulsion of despotism; by the triumph of the patriot or the victory of the ineffable tyrant?

Our obligations of amity and treaty have ever been scrupulously observed toward Spain through every administration of the Government to the present. Spanish citizens have not been molested nor their property disturbed; but so freely have they mingled in the enjoyments and rights of our institutions that their distinct presence has not even attracted our attention. If any complaint could be made it could only be at the excessive regard generally shown to the side of the Spaniard at the expense of our own citizens. So intense has always been our desire for amity and peace that in all differences between our citizens and the government of Spain since 1850, she received invariably the benefit of our indifference or our silent discrimination in her favor.

Charity flows from liberality, and magnanimity from strength, but there are moments in the life of nations as well as in individuals when charitable virtue must cease, and the preservation of vital interests can be no longer deferred. This I solemnly believe is the decisive moment in our relations with the Spanish government in the island of Cuba, when we should act in a spirit of no unkindness but firmness and fidelity for the security of our own safety and commercial interests.

This constant war and irritation in Cuba unfits the captain-general and his myrmidons from the calm consideration of all questions relating to the United States. Irresponsible as is this military despot, he suddenly aggresses upon our rights, violates our treaties, assassinates our citizens, and then pleads his want of power for reparation, and serenely refers the nations demanding redress to another hemisphere, to a disrupted government that may or may not at the time have a temporary head at Madrid. The captain-general has unlimited power for good or evil, but none for restitution, and the answer to all just complaints from the home government are only the repetition of excuses rendered by inferior officials to their superiors.

It ever has been, on the part of Spain, a disregard of justice to all friendly nations, to provide her representative in Cuba with such extraordinary powers, and in case of injuries to make no provision for prompt redress.

In 1851 nearly four hundred American citizens landed upon the shores of Cuba, under the leadership of Lopez, to assist the oppressed Cubans in an uprising for liberty. Their unfortunate fate is well known, having been captured and summarily executed. General Crittenden with a number of his companions, was also about the same time captured—not as soldiers, but unarmed—on the island of Contoy, belonging to Mexico, and after a mock trial before a military tribunal were basely murdered; and the gallant Crittenden, when ordered by the Spanish executioner to kneel down, exclaimed with indignation, "I kneel to none but my God."

Following close upon these outrages two American vessels, the Susan Loud and the Georgiana, were seized upon by the Spanish authorities while lying off the coast of Yucatan, and the officers and crew subjected to the most ignominious and inhuman treatment upon the suspicion that they were concerned in the Lopez expedition. Next, the Falcon, a United States mail-steamer, was fired into by a Spanish vessel without even a specious pretext. United States mailbags were next forced open by the Spanish authorities, the mail overhauled and examined for the avowed purpose of preventing the reception and transmission of any communication or news except only such as the captain-general should deem proper. About the same time the United States steamer Crescent City was refused a landing at Havana with her passengers and mails because the purser of the boat was obnoxious to the Spanish authorities, by which act our postal and commercial arrangements were interrupted and our private citizens deeply injured. The United States Steamer Black Warrior was next fired upon by a Spanish war-steamer, the vessel seized, and the property of our citizens for a time confiscated.

In this way from time to time has our flag been insulted and our confidence and friendship abused by a weak Spanish neighbor, toward whom we were ever just and indulgent in all our intercourse.

The consul-general at Santiago de Cuba informed the Secretary of State in June, 1869, that three American citizens were publicly shot without trial, having been taken prisoners at Ramon.

Speakman, a native of Pennsylvania, a perfectly innocent man, was cruelly murdered after the formality of a trial that amounted only to a farce. Mr. Cohner, the well-known American artist, was assassinated in the streets of Havana, in 1869, only in pursuance of that Spanish habit of insulting, plundering, and killing our citizens. The brutal butchery of Greenwald, because he was thought to be an American, and the treatment his dead body received, as well as the attempted assassination of other American citizens who were his companions, are yet well remembered by the country. In March, 1869, the American brig Mary Lowell was captured and condemned as a Spanish prize. This act was more in contravention of international law than even the seizure of the Virginian.

More recently the American steamer Aspinwall was seized by a Spanish war-vessel on the high seas upon the suspicion that she had arms and ammunition for the Cubans. She had no contraband goods on board, and was accordingly released after having been taken to Havana; but no reparation has yet been made, in answer to the demands of this government, for the wrong done to our commerce and the national flag.

And more recently the capture of the steamer Virginian on the high seas, carrying American papers and the American flag as evidence of her nationality, by the Spanish war steamer Tornado, and the hasty murder of fifty-three of her passengers and crew for no crime actually committed or known to international law, is still fresh in the minds of the people, and needs but this allusion at my hands.

But a few months ago a prominent citizen of my own State set foot on the island of Cuba in pursuit of his legal business, having been employed to attend to some embargoed interests belonging to his countrymen. Crossing through the island from Havana he reported himself at the office of the American consular agent at Nuevitas; whereupon both he and our agent were arrested by the Spanish governor, although the agent was subsequently released. But the undignified treatment of American official representatives in Cuba is not an unusual thing.

Only two years ago the American vice-consul at Santiago was compelled to seek safety from personal violence by seeking refuge on board of a French frigate, and the American consul-general at Havana received about the same time from the British naval officers the assurance of their protection and the offer of a file of marines to protect him whenever it became necessary to seek his safety on board a British man-of-war. A state of affairs in which such outrages can possibly occur is indeed but a smoldering magazine from which the explosion of war may come upon us at any hour in the day.



This maltreatment of our consuls and inhuman murder of our citizens is not only a wanton indignity to our Government, but is wholly in willful violation of the most solemn treaty stipulations.

Article 8 of the treaty of 1795 with Spain is as follows:

And in all cases of seizure, detention, or arrest for debts contracted, or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their affairs, and in all their trials at law in which they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such cases, and at the taking of all examination and evidence which may be exhibited at the said trials.

No language could be clearer or more comprehensive:

In all cases of offenses committed by any citizen within the jurisdiction of the other, the same shall be prosecuted by authority of law only, and according to the regular course of proceedings usual in such cases.

Need I say that our countrymen so ruthlessly slain in Cuba were for the most part captured on the high seas, without arms in their hands, and outside of the limits of Spanish jurisdiction; and when carried on land often no trial was had, no charges were preferred; while at others no examination or evidence was had, and the condemned were never permitted even to see the unusual and extraordinary tribunals that passed judgment upon them? In this way has American blood been wantonly shed in contempt of our flag and in foul treachery to the requirements of a mutual treaty.

To-day the fate of F. A. Dockray, an able, accomplished, and gallant citizen of my State, who was arrested at Nuevitas, is still undecided, one military tribunal having condemned him in violation of the safeguards of the treaty, though through the energetic interposition of our Government he will be accorded another trial, which I pray may result in his acquittal, for the prayers of a stricken father and agonizing mother are ascending hourly to Heaven for the preservation of their only child to comfort them in their old age.

Sir, it is not in human foresight to see how long this country and Spain can maintain peaceful relations with such a train of outrageous occurrences passing between them. It calls for the wisdom of both nations to devise a speedy remedy for a mutual extrication from this threatening dilemma. Our remedy lies in the passage of this resolution.

Wisdom and forbearance can devise nothing better. To this complexion it must come at last, and it were better that the American Congress now rise in moral grandeur and determination equal to the exigency, rather than that the coming year shall see another hecatomb of our citizens slaughtered in cold blood, shall behold our commerce crippled and our flag still more disgraced, only to be confronted at the next session by an inexorable necessity to take this very step.

Our commercial interests must suffer great injury by the indefinite continuation of this struggle in Cuba. Liberty and commerce preserve the life of the nation, as freedom and circulation the healthy life of the individual.

The best evidence of the progress of a nation is to be seen in the steady extension of its commerce, and its first signs of decadence in its shrinkage.

The commercial pursuits of this country have been steadily progressing, as seen by our gradual increase of American tonnage from 1,368,127 tons in 1815 to 5,353,868 tons in 1860, while during the war, for obvious causes, our tonnage decreased; but since the close of the rebellion we are again in the line of recovering our former proportion. Our foreign commerce has always been on the increase, and the loss of national tonnage did not retard the constantly increasing value of our exports and imports. In 1850 the value of this commerce was \$330,037,038; in 1860, \$762,288,550; and in 1873, over \$1,300,594,864. With the exception of Great Britain the most important and valuable of our commercial exchanges is with the inexhaustible island of Cuba.

Our trade for 1873, excepting again Great Britain, with seven of the principal commercial countries; as rated by their exchange of products with the United States, represents their relative importance as follows:

China.....	\$28,267,023
Japan.....	16,917,432
Italy.....	15,215,639
Spain.....	15,019,155
Russia.....	13,976,545
Austria.....	2,390,014
Total.....	91,785,808
Cuban trade.....	107,500,000

In a commercial point of view, then, our trade with Cuba alone is \$5,714,192 greater than that of the six other of our best customers combined.

The following official table serves to show to what extent our shipping is engaged in the carrying trade of Cuba—more than double that of Spain, and more than fourfold that of England and France:

*Entrance and clearance of vessels in the ports of Cuba during 1847.*

Countries.	Entrance.	Clearance.
United States.....	2,012	1,722
Spain.....	819	751
England.....	563	489
France.....	99	81

The United States imported from Cuba in 1873 1,454,124,259 pounds of raw sugar, valued at \$77,953,470; also 43,533,909 gallons of molasses, valued at \$9,901,051; also 113,670,829 pounds of melada valued at \$4,722,165; total, \$92,500,000; and imported from all the rest of the world \$19,072,920 of sugar and molasses. American ships alone carried 795,000 tons of this freight, and at the usual rate of five dollars per ton our shipping earned nearly \$4,000,000 in the transportation of this one product of traffic between these two countries.

In 1873 the United States exports to Cuba amounted to more than \$15,000,000, and estimating the inhabitants at about 1,200,000, the rate was over twelve dollars to each one of her population.

Our exports to Germany with its 45,000,000 of people were \$61,767,997, or at the rate of one dollar and thirty-eight cents per head, and to France with her 38,000,000 of people our exports amounted to \$33,000,000, or at the rate of less than one dollar per head.

The magnitude of our trade with Cuba may have escaped attention in our more eager gaze at the brilliant enterprise of bringing the fabulous wealth of the Orient through the golden gates of San Francisco, and yet the figures prove that our traffic with this island is more than twice as valuable as that of China and Japan combined.

Other nations, as wise and enlightened as we are, do not scruple to engage in war for no other purpose than really to open new avenues for commerce and to drain the source of new riches into their national coffers, and yet the United States Government hesitates to extend even the hand of moral fellowship to a people who individually are of more importance to this country in a commercial calculation than either the Chinese, Spanish, Germans, or French combined.

The English embark in war in Asia to compel an unwilling people to become opium-eaters for the benefits of the English treasury, and yet we, who are no better Christians, and not half as good political economists as our cousins across the Atlantic, shrink from speaking one word of recognition and encouragement to a brave people from whom we receive three-fourths of that indispensable article, sugar, consumed in this country, and who are self-sacrificing devotees to our own republican form of government.

Shall this Government stand by in stoic unconcern and witness the sure and gradual destruction of its important and essential commercial interests in Cuba, or shall we pass this resolution, a simple, peaceful act in itself, usual and rightful between nations, without cause for offense on the part of Spain, but which act will become an event, and will herald the not distant independence of Cuba as the stimulating sunshine of spring heralds the glorious harvest of the summer?

Our peace and vital interests require protection, but not by interference. The simple passage of this resolution will hedge our interests with all the potency they require, and develop others to a greatness unthought of before. Our policy is peace and protection. What the course of the British government would be under the like circumstances now surrounding us may be easily inferred from their position held in 1821, and announced to the allied powers of Europe. They said no government was more prepared than their own to uphold the right of any state or states to interfere where their own security or essential interests were seriously endangered by the internal transactions of another state.

Again, it can easily be demonstrated that it is not among the possibilities of Spain, with all her superiority of arms and discipline and navy, to crush this spirit of independence in Cuba, or to subdue the present military opposition to her authority.

The decrepitude and instability of Spain herself is the strongest proof in support of this assertion. With imperialism and democracy at war in the mother-country, and all probabilities so uncertain even that no reasonable prediction can be ventured upon the issue, where are the material and strength to come from for the ultimate subjugation of this heroic people? Ultimate even, for time brings legions and strength to the Cuban and weakness to the Spaniard.

Said Señor Garrido in the Cortes over a year ago:

The Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests. Against tyranny there is always the right of rebellion, and we who for fifty years were always rising against despotism cannot deny the right of rising to those whom we ourselves oppress. You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it, besides the fifty thousand or more that you have sent already. I can tell you that the question of Cuba is for you an insoluble one; you may send your twelve thousand men there as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that.

Said Señor Eduardo Benot, in the Spanish senate:

We have lost in the Antilles thousands and thousands of brave soldiers; Cuba is the tomb of the Spanish youth, the grave of the Spanish army. What have we gained after all by wresting from the Cubans their inborn rights which, try as we may, must still be theirs? We have won the right of being held up as the most inhuman people in all civilization.

In 1869 General Prim stated to the Cortes that Spain had sent 34,500 men to re-enforce the army and navy in Cuba, and the whole Spanish forces employed in Cuba since the commencement of the revolution number over 107,400, from their own estimates. The Cubans commenced with a body of 147 armed men, and to-day have 17,250 well-armed men under an able and successful commander-in-chief, General Maximo Gomez, 3,000 of whom are an efficient and formidable cavalry, whom the Spanish soldiers describe as "men on horseback, without guns, fighting like devils."

In 1870, when the revolution was weaker than to-day, and when

Spain had an established government and peace at home, Mr. Sickles, our minister at Madrid, informed our Government that the Spanish campaign in Cuba had failed, and that their great reliance was then on the thirty gun-boats lately built for Spain in the United States.

What has become of these 107,400 Spanish troops? The captain-general in his official report of 1869 accounts for 14,000 as having been lost by disease and battle during that year. In the absence of further official reports from this military functionary upon the subject, it may not be unreasonable to conclude that 14,000 at least followed each year in the same wake, which for the years 1870, 1871, 1872, and 1873 would amount to 56,000 more as mustered out by battle and disease.

When is it possible for Spain, disrupted in government and dishonored in credit, to send out 107,400 soldiers more for the conquest of disease and the patriots? Will it be when Don Carlos and Marshal Serrano shall meet in armistice and each contribute his quota of troops for the expedition?

Captain-General Jovellar lately resigned his position as governor of the island, being convinced that Spain cannot now, and I assert never can, furnish the requisite men and money to maintain her sovereignty in Cuba.

Sir, a people whose cause is just, once baptized in the blood of liberty, are ever invincible, and tyrants from all ages and nations can bear unwilling testimony to this truth. For seven years our fathers persevered amid the varying fortunes of war for the boon of liberty we, their descendants, now enjoy, and who will say that the devotion to independence is less intense in Cuba than it was in our Colonies, with all their superadded suffering and political degradation to nerve them on to victory or death?

It is not in Spanish power to again enslave this people, six hundred thousand white and six hundred thousand colored, who fight with such persistent desperation, whose commissary is the bountiful fruitage of a tropical clime, who have such inapproachable fastnesses for safe retreat and as a constant basis for renewing operations, and whose faithful ally in the destruction of their unacclimated enemies is that fearful scourge of the tropics, the yellow-fever.

The future of poor Cuba may yet be darkened for years with more blood and anarchy, which merciful Heaven forbid! but the final blessing upon all this martyrdom must come at last as certain as that immutable justice is an attribute of God.

Sir, the natural right of revolution is recognized by all international jurisprudence, and no cause for revolt more just than that of Cuba stands recorded in the annals of the world. If there ever was an occasion that justified a revolution, that called upon a people to recur to first principles and seek relief from the abuse of power by an appeal to arms, this was one. The spirit of resistance was not evoked by any question of abstract rights, but from actual suffering and grievous oppression in the administration of justice, in agriculture, in commerce, and in every pursuit of happiness.

Wars were formerly fought for families and dynasties, for the rights of thrones and the prerogatives of crowns; now men fight for written constitutions, for the rights of men and the prerogatives of nations, and fighting learn to govern for themselves.

Shall this brave people of both races who for nearly six years have been fighting for the creation of a new nation, and who in their final triumph will cease to be Spaniards as well as slaves, continue yet another year without one word of sympathy from us, simply because we brook the spontaneous expressions of our own hearts and judgments in most unnatural deference to the opinions of European monarchies?

The very fact that such powers are the enemies of liberty everywhere is the very reason why our great nation should be its friend. Monarchies are always swift in the recognition of new governments in political affinity with their own, regardless of the question of their birth, whether by statecraft, as Amadeus of Spain, by usurpation as Napoleon III. of France, or by invasion and attempted conquest of a sister republic as Maximilian in Mexico. Shall we, from fear of European criticism or for want of moral stamina in the exercise of our prerogative, turn a deaf ear for another year to the crying appeals of liberty in Cuba, or shall we rather, imbued, as I know we are, express the same noble sentiments as uttered by the Father of his Country on the presentation of the French flag to our Government in 1796:

Born in a land of liberty, my anxious recollection, my sympathetic feelings, and my best wishes are irresistibly excited whenever, in any country, I see an oppressed nation unfurl the banners of freedom.

Why hesitate in this act of justice to a struggling nation who for six years have been fighting for their own liberty and for the freedom of over a quarter of a million slaves?

Who doubts that if France or Prussia or Holland had treated our revolutionary fathers with the same indifference and delay in the acknowledgment of their independence as the Congress of the United States has shown toward Cuba that George Washington and his illustrious compeers would have died ignominiously as traitors upon the scaffold, and their marble statues that now honor this Capitol would be unhewn blocks in the quarry and their monuments, like that of the adored Emmett, would yet be unsculptured and un-epitaphed?

Benjamin Franklin, declining to receive back a sum of money which he had loaned to a poor and worthy man, upon tender of its payment

exclaimed, "I do not need it; pass it round among other poor and worthy people who are in distress."

What was our condition and prospect of success before the sun of foreign recognition rose above the horizon of our Colonies? Says Hildreth, the historian:

November, 1776.—Washington's army was by this time greatly reduced. The term of service of the militia was fast expiring. The whole flying camp soon claimed their discharge, and no inducement could procure a moment's delay. Some of the New York militia refused to do duty. Howe, they said, offered peace, liberty, and safety; so they understood his proclamation, and what more could be asked? The Continentals were enlisting for a year, and their term of service was fast drawing to a close; nor did they always wait to complete it, desertions being very numerous. Exclusive of the divisions of the highlands, and the corps under Lee on the east side of the Hudson, Washington's army did not exceed four thousand men.

In December Washington made the memorable retreat across the Delaware, while the principal cities of the country were one after the other falling into the hands of the enemy; and at the expiration of the year the same historian describes the following situation:

The Howes issued a new proclamation. The speedy triumph of the mother-country seemed certain, and many persons, those especially of large property, including several who had taken an active part in the Revolution, hastened to make the required submission.

Turkey, president of the late New Jersey convention, which had sanctioned the Declaration of Independence and formed the State constitution, now abandoned his country's cause and took a British protection. So did Allen and Galloway, late delegates from Pennsylvania to the Continental Congress. For ten days after the issue of the proclamation two or three hundred persons came in every day to take the oath.

At this critical juncture in our liberty's history the opportune recognition and friendship of France alone saved us from disintegration, defeat, and the ignomy of death on the scaffold.

Pass the blessing of liberty round through the hemispheres and the islands, wherever a gallant and worthy people strike and ask for it. Liberty sped from France to our shores upon the wings of their recognition of our independence. Let us speed liberty to Cuba upon the wings of the passage of this resolution, and the stars that this night keep watch over that bleeding island will sing the song of salvation in the morning, as the morning stars sang together over the birth of a Saviour at Bethlehem.

We, as a nation, are the beneficiaries of Providence, as was he to Franklin, who received a valuable favor at his hands. To have pocketed the money and been indifferent to worthy and distressed neighbors, would have stamped him with the moral crimes of theft and ingratitude.

To enjoy our freedom in arrogance and be indifferent to the distressed republic of Cuba, when by this simple recognition of their independence we could bless them as France and the other nations blessed us, would it not be undeservedly stamping this country as guilty of brisiness and ingratitude without parallel in the annals of the Christian world?

No American colony ever achieved its independence without the friendly assistance of other nations.

Greece received material aid in armies and ships, even more than the simple recognition that Cuba pleads for, from the allied powers in Europe against Turkey. And this interference, not recognition only, is justified by our most authoritative commentators upon international law.

The assistance that England gave to the United Netherlands when they were struggling against Spain, and the assistance France gave to this country during the war of our Revolution, were justifiable acts, founded in wisdom and policy. And equally justifiable was the interference of the European powers of France, Great Britain, and Russia, in favor of the Greeks against the Ottoman Porte, by the treaty for the pacification of Greece concluded by those three Christian powers in 1827, and by means of which a ferocious and destructive war was terminated by the independence of the Greek state as a new kingdom, and a recognition of that independence by the Ottoman Porte in 1832. So, also, there was a successful interference in 1840 of four of the European powers, Austria, Great Britain, Prussia, and Russia, in the civil war between the Ottoman Porte and Mehemet Ali, the Pasha of Egypt. And lastly, there was the memorable interference of the five great European powers in the Belgic revolution of 1830, which ended in the separation of Belgium from Holland, and the establishment of the same as an independent state.—*Kent's Commentaries*, volume 2, page 23.

The South American Spanish colonies for years before their independence was even recognized by Congress, received such assistance from the United States as was obtainable under the following instructions issued by President Madison on the 3d of July, 1815.

Cuba will be content with the same assistance and her independence would be assured under similar presidential instructions at this time, though I believe it is the imperative duty of Congress to accept the responsibility of this question and to inaugurate a new policy in our relations with Cuba which the Executive of the Government would faithfully carry out as the expression of the will of the people:

There is no principle of the law of nations which requires us to exclude from our ports the subjects of a foreign power in a state of insurrection against their own government. It is not incumbent upon us to take notice of crimes and offenses which are committed against the municipal laws of another country, whether they are classed in the highest grade of treason or in the lowest grade of misdemeanor. Piracy is an offense against the law of nations, and every civilized government undertakes to punish the pirate when brought within its jurisdiction; but an act of revolt, a rebellion against a sovereign, must not be confounded with an act of piracy, which is denominated hostility against the human race.

Any merchant vessel, therefore, which has not committed an offense against the law of nations, being freighted with a lawful cargo and conforming in all respects to the laws of the United States, is entitled to an entry at our custom-houses, whatever flag she may bear. She is also entitled to take on board a return cargo and to depart from the United States with the usual clearance.



The President desires that you will regulate your official conduct upon the principles that have been stated; but if any extraordinary case occurs, you will report it to this Department with all possible dispatch.

I am, very respectfully, sir, your obedient servant,

A. J. DALLAS,  
Secretary of the Treasury.

P. L. B. DUFLESSIS, Esq.,  
Collector, New Orleans.

It may be asked what benefit will the passage of this resolution be to our struggling political brothers in Cuba, and wherein is their independence so surely to follow? Sir, ever since this struggle our country has been in the unmanly attitude of holding the Cuban down while the Spaniard is fighting him. We have long felt the meanness and unmanliness of our false position; but they say it is our treaty obligation to Spain that compels us to violate our conscience by opening our doors and stores to the Spanish slaveholder, while to the poor slave and the Cuban we must sell or give nothing, not even a cup of cold water or kind expression of sympathy. Shameful attitude in the eyes of our own self-respect! How must we, the giant and paternal republic of the New World, appear in the estimation of the weak but chivalrous republics of Mexico and South America, who long ago recognized the belligerent rights of the infant republic of Cuba?

Spain has all the privileges of trade and facilities in the ports of the United States, replenishes her war stores, and repairs her ships of war in American ports whenever necessity may demand; and with her thirty gun-boats, built but a few years ago for her in the United States, she has indeed every advantage, except in valor on an equal battle-field, over the Cubans, who are not allowed by the guardians of the law and the treaty to receive any instruments of warfare, either by purchase or contribution, from liberty-loving friends and sympathizers.

But the most ridiculous posture in which diplomacy has placed us is, that while we are stooping over to hold the poor Cuban on his back, and all in zealous and delicate fulfillment of the treaty, the haughty captain-general kicks us in the back, while his Catalan volunteer sticks a knife between our shoulder, and then blusteringly refers us to Madrid for apology or redress; and to Madrid we go only to find a government that stands more in awe of the captain-general than he does of it.

Under such humiliating circumstances what American does not admire the Roman spirit of that grand old Senator, Thomas H. Benton, who on the floor of the American Senate, in a debate upon the resolution for liberty in the Spanish South American provinces, said:

In such a case I declare it to be my sentiment that treaties are nothing, books are nothing, laws are nothing; that the paramount law of God and nature is everything; and that the American soldier, hearing the cry of helplessness and weakness, and remembering only that he was a man born of woman and the father of children, should fly to the rescue, and strike to prevent the further perpetration of crimes that shock humanity and dishonor the age!

With the passage of this resolution will come the proclamation of equal privileges and advantages in all ports and places within the United States. Impartial neutrality will then be observed by our Government between the Cuban and the Spanish belligerents, and equal liberties to pursue the operations of war and purchase military stores will be accorded to both parties. With this recognition will also follow an observance of the rules of civilized warfare on the part of Spain, and her now unchecked barbarities would cease, or interference would be justifiable on the part of enlightened nations as in the case of Greece in her war of independence against Turkey.

This would be placing the oppressor and the oppressed upon an equal footing, and nerved by love of liberty and valor, and cheered by the certainty of fair play, how long would it be before the prowess of the Cubans and the hosts of their friends who would spring out of the earth like the mailed warriors that sprang from the sowing of the dragon's teeth would plant the flag of victory over every rood of that glorious island.

Did not Mr. Webster, the ablest lawyer and most learned diplomatist, as Secretary of State, declare to the British minister, Mr. Fox, in 1841, as follows?

It is well known to Mr. Fox that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one government from taking part in the civil commotions of another.

But I am done. Whatever our action may be upon this resolution, while its passage would be like the outburst of the sun upon the mariner laboring for safety in a mighty storm, nevertheless the failure of its passage will not put out a single camp-fire of liberty on that devoted island. God and the American people will still keep watch over it, until the fullness of time shall bring it triumphantly into the family of nations. I believe this glorious time is not far distant, for the mills of the gods have ground slowly but surely for six years, and the upper and the nether mill stone will soon come together.

Under no possible contingency, without involving the interests and safety of the United States in constant jeopardy, can our Government much longer subordinate its sympathy and recognition of independence to the haughty behests of diplomacy, for the impulses of political and human nature toward this kindred people in Cuba are stronger than the webs of heartless diplomacy, and American patriotism stands ready to enthusiastically assume the responsibility.

LEAVE TO PRINT.

Mr. DAVIS, by unanimous consent, obtained leave to print some remarks on the civil-rights bill. (See Appendix.)

Mr. ROBINSON, of Ohio, by unanimous consent, obtained leave to print some remarks on the charge of bigamy against the Delegate from Utah. (See Appendix.)

Mr. MERRIAM, by unanimous consent, obtained leave to print some remarks. (See Appendix.)

Mr. HERNDON, by unanimous consent, obtained leave to print some remarks upon the republican party, its mission ended without the necessary constituent elements for future success. (See Appendix.)

And then, on motion of Mr. NILES, (at twelve o'clock and five minutes, a. m.,) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTLER, of Tennessee: The protest of Creek, Choctaw, and Cherokee delegates, against the allotment of their lands and apportionment of their national funds as proposed in House bill No. 2143, to the Committee on Indian Affairs.

By Mr. CLEMENTS: The petition of Grenville M. Weeks, of Washington, District of Columbia, for the correction of an unjust and contradictory proviso in the pension laws, to the Committee on Invalid Pensions.

By Mr. CRUTCHFIELD: The petition of W. H. Mayett and others, for an appropriation to pay the amounts respectively due them for labor done on the Tennessee River between Chattanooga and Kingston, Tennessee, to the Committee on Commerce.

By Mr. GARFIELD: The petition of working men of Mineral Ridge, Trumbull County, Ohio, for the restoration of the 10 per cent. duty on iron and steel and for free banking, to the Committee on Ways and Means.

By Mr. PLATT, of Virginia: The petition of James Shickler, late of Company K, First United States Infantry, for bounty money, to the Committee on Military Affairs.

By Mr. SCUDDER, of New York: The petition of William Garratt, for arrears of pension, to the Committee on Invalid Pensions.

#### IN SENATE.

SATURDAY, June 20, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

#### SUSPENSION OF JOINT RULES.

Mr. WEST. I offer a resolution concerning the order of business and ask its immediate consideration:

*Resolved by the Senate, (the House of Representatives concurring,) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the present session.*

The resolution was considered by unanimous consent, and agreed to.

The joint rules referred to are as follows:

16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

#### WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 3025.

The motion was agreed to; and the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

The bill had been reported by the Committee on the District of Columbia with amendments. The first amendment was to strike out the following words from line 35 to line 42:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof to insert:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an over-grade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek, in the valley of said creek, passing west of the P street bridge, by a tunnel through the hill west of said P street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. EDMUNDS. I do not know anything about this bill; but I tried yesterday morning to have the Senate go to the Calendar of unobjectioned cases in order that we might with justice to all dispose of matters reported to which there is no objection. Now, in order to test the

sense of the Senate whether it is willing to do that thing or not—not having any antagonism to this bill, which I know nothing about, but it may as well be tried on this bill as any other, because I shall only have one chance in seventy-three of getting the floor after this is disposed of—I move to postpone the present order and to proceed to the Calendar.

Mr. HITCHCOCK. The bill is up already and I hope the Senator will allow it to pass.

Mr. EDMUNDS. I hope the Senator from Nebraska will understand my motive; and that is that on some bill or other I wish the Senate to determine whether it will take up the unobjected cases in their order or not; and as this happens to be the bill that is up, I will not take time to debate, but I make this motion so as to know what the Senate wishes to do, to postpone this and all prior orders, and proceed to the Calendar of unobjected cases.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the pending bill and proceed to the Calendar of unobjected cases.

Mr. BOREMAN. I have no objection to going to the Calendar; but it seems to me it is unfair to have merely the unobjected cases considered. There are some bills here to which there may be some objection that are as meritorious as others and that ought to be considered. I do not think this action ought to be so restricted as to confine it to unobjected cases. I have no objection to going to the Calendar and considering all cases in their order.

Mr. HITCHCOCK. It seems to me that this matter was settled before the Senator from Vermont raised his point of order, and after action is had on this bill his motion will then be in order.

Mr. EDMUNDS. I do not make any point of order. I make a motion, in order to test the sense of the Senate, that we proceed to the unobjected cases on the Calendar.

Mr. ANTHONY. Has this bill been taken up?

Mr. HITCHCOCK. It was before the Senator came in.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone this bill and proceed to the Calendar of unobjected cases.

Mr. ANTHONY. Subject to morning business.

The motion was agreed to—ayes 27, noes not counted.

#### PETITIONS AND MEMORIALS.

Mr. ANTHONY. Are reports in order?

The PRESIDENT *pro tempore*. The Chair will receive morning business. Petitions and memorials are now in order.

Mr. FENTON presented the petition of the New York Women's Social Education Society, calling attention to the necessity of passing the appropriation of a conscience fund to the establishment and support of the Reform School for outcast girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Charlotte A. von Cort, executrix of C. J. von Cort, praying compensation for the use by the United States Navy of his submarine torpedo shell and its appliances; which was referred to the Committee on Claims.

Mr. BOGY presented the memorial of S. W. Penymah and other delegates of the Indian Territory, remonstrating against the allotment of their lands and the apportionment of their funds as proposed by House bill No. 2143; which was referred to the Committee on Indian Affairs.

Mr. DENNIS presented papers relating to the application of John V. Solaway for a pension; which were referred to the Committee on Pensions.

Mr. BUCKINGHAM presented a memorial of Rev. Theodore D. Woolsey, late president of Yale College, Hon. Henry P. Haven, Hon. L. F. S. Foster, and 37 other highly influential and respectable citizens of Connecticut, asking aid for Joseph Ebierbing and his wife Hannah, Esquimaux survivors of the late Polaris expedition, on account of services rendered by Joseph, by which the Tyson party was saved; which was referred to the Committee on Commerce.

#### HARPER'S FERRY PROPERTY.

Mr. DAVIS. I present a joint resolution of the Legislature of West Virginia, asking that the property of the Government at Harper's Ferry, sold in 1869, be made available for water-power, &c. I ask that the resolution be read, and I want to make a very brief statement.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be read.

The Chief Clerk read as follows:

Joint resolution requiring and instructing our representatives in Congress to favor the passage of a bill to resell the water privileges at Harper's Ferry.

Whereas at a public sale under act of Congress held in the town of Harper's Ferry, county of Jefferson, West Virginia, in the latter part of November, 1869, of the water privileges at the said town owned by the United States, the said water privileges were bid in by a Mr. F. C. Adams, giving bonds and security at one and two years respectively to secure payments; and whereas the said bonds having matured and the said F. C. Adams having failed to comply with the agreement named: Therefore,

Be it resolved by the Legislature of West Virginia, That as a means of affording relief to the citizens of said town and surrounding country, as well as to advance the interests of the State, our Senators in Congress be instructed, and our Representatives requested, to favor the passage of a bill authorizing the Secretary of War to resell the same.

Resolved further, That a copy of the foregoing preamble and resolution be transmitted by his excellency the governor of this State to the President of the Senate

of the United States and to the Speaker of the House of Representatives, and to our Senators and Representatives in Congress.

Adopted January 17, 1874.

A true copy from the rolls.

J. B. PEYTON,

Clerk of House of Delegates and Keeper of the Rolls.

Mr. DAVIS. Now I offer a resolution:

Whereas what is known as the Harper's Ferry armory property was sold at public sale in 1869 to F. C. Adams by direction of the War Department, and the entire purchase-money thereof has long since been due, but no part thereof has been paid; and whereas from the neglect of said property it is fast depreciating and being destroyed in value, to the pecuniary loss and suffering of the people of Harper's Ferry; and whereas a decree from the proper court has been granted for the resale of said property in order to obtain the purchase-money, with interest and costs: Therefore,

Resolved, That the Attorney-General be requested to proceed at once by all legal means to enforce the collection of the amount due the Government by F. C. Adams and his sureties on said purchase and to effectuate a resale of said property.

I ask for the present consideration of the resolution. There is no objection to it.

Mr. WEST. Is that intended to be an instruction to the Attorney-General to resell that property?

Mr. DAVIS. It is to collect the money in the most speedy way. The property was sold in 1869 and has been going to destruction since. The parties who bought it, instead of complying with the terms of the sale, have done nothing to comply with them, and the property now belongs to the Government and is fast going to destruction. No part of the purchase-money having been paid, this resolution is to instruct the Attorney-General to proceed at once to make the money in the name of the United States.

Mr. WEST. And if he does make the money, what then?

Mr. HOWE. What is the question before the Senate?

The PRESIDENT *pro tempore*. Whether the Senate will proceed to the consideration of the resolution.

Mr. DAVIS. I hope it will be passed. It is important. I have consulted the Judiciary Committee in regard to it.

Mr. HOWE. We are executing a regular order now. I do not think we ought to waste the time in this way.

The PRESIDENT *pro tempore*. Objection is made, and the resolution will lie over.

Mr. MORRILL, of Vermont. I hope the Senate will allow this resolution to pass. I have looked into the matter for some years, and I know it is just and for the interest of the Government that this should take place.

Mr. DAVIS. I hope the Senator from Wisconsin will withdraw his objection. There will be no debate on this.

Mr. HOWE. Bills to which there was not the slightest objection have gone over already under objection, because Senators wish to go on with the Calendar.

Mr. DAVIS. I will state to my friend that this resolution—

The PRESIDENT *pro tempore*. Objection is made.

Mr. DAVIS. I ask my friend to withdraw his objection. It is very important.

Mr. EDMUNDS. Let us have the regular order.

#### TRANSPORTATION REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution from the House of Representatives to print six thousand extra copies of the report of the Select Committee of the Senate on Transportation to the Sea-board, instruct me to report it back with an amendment and ask for its present consideration.

The Senate proceeded to consider the resolution.

The amendment was to strike out all after the word "sea-board" and insert:

Thirty-six hundred copies of which shall be for the use of the House of Representatives, eighteen hundred for the use of the Senate, and six hundred for the use of the Select Committee of the Senate on Transportation to the Sea-board.

So as to make the resolution read:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, thirty-six hundred copies of which shall be for the use of the House of Representatives, eighteen hundred copies for the use of the Senate, and six hundred copies for the use of the Select Committee of the Senate on Transportation to the Sea-board.

The amendment was agreed to.

The resolution, as amended, was concurred in.

#### EDUCATIONAL REPORT.

Mr. ANTHONY. I am instructed by the same committee to report back a concurrent resolution of the House to print twenty thousand copies of the report of the Commissioner of Education with an amendment.

The Senate proceeded to consider the resolution.

The amendment was to make the resolution read:

Resolved, (the Senate concurring,) That there be printed five thousand copies of the report of the Commissioner of Education for 1873, of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be sold at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

The amendment was agreed to.

The resolution, as amended, was concurred in.

#### MARINE-HOSPITAL REPORT.

Mr. ANTHONY. The same committee, to whom was referred a concurrent resolution from the House of Representatives to print addi-



tional copies of the report of John W. Woodworth, supervising surgeon of the marine hospitals, have instructed me to report it back with an amendment and recommend its passage. The House resolution provided for the publication of five thousand copies of this report. The committee recommend that the number be reduced to one thousand and that they be for the use of the Treasury Department.

The resolution as proposed to be amended was read, as follows:

*Resolved, (the Senate concurring.)* That the Government Printer be instructed to print one thousand copies of the report of John W. Woodworth, supervising surgeon of the marine-hospital service of the United States, for the year 1873, for the use of the Treasury Department.

The amendment was agreed to.

The resolution, as amended, was concurred in.

#### COURTS IN ALABAMA.

Mr. SPENCER. I move that the Senate proceed to the consideration of the order of business, No. 719, being a House bill relative to circuit courts of the United States in Alabama.

Mr. HAMILTON, of Maryland. I rise to morning business.

The PRESIDENT *pro tempore*. The motion of the Senator from Alabama is out of order without unanimous consent. Is there objection?

Mr. EDMUNDS. I insist on the regular order.

Mr. HAMILTON, of Maryland. I rise to morning business.

Mr. SPENCER. I have morning business, but I wish to preface it by making a statement. Two-thirds of the State of Alabama is to-day without any United States court whatever, and there is a bill on the Calendar, House bill No. 2246, relating to circuit courts of the United States for the district of Alabama, which will enable us to have a United States court during the vacation of Congress. It is reported from the Committee on the Judiciary. It is a terrible state of affairs for two-thirds of a State to be without a United States court, and I desire to call up that bill.

The PRESIDENT *pro tempore*. Is there unanimous consent to proceed to the consideration of the bill indicated by the Senator from Alabama?

Mr. EDMUNDS. I make the point of order that the Senate has ordered that we proceed with the Calendar of unobjected cases, and until the order is discharged the Senator cannot make this motion.

Mr. SPENCER. In answer to the statement of the Senator from Vermont I will say that this bill is at the foot of the Calendar and there is no probability of its being reached if we go to the Calendar.

The PRESIDENT *pro tempore*. The Senator from Alabama has a perfect right to ask the Senate to give him unanimous consent to proceed to the consideration of the bill. That is all he did do. A single objection of course disposes of it.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Objection is made. The Chair will receive reports of committees.

#### REPORTS OF COMMITTEES.

Mr. SPENCER. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade, have instructed me to report it back without amendment and ask the concurrence of the Senate. I desire to have the bill read.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Let it be read by its title.

Mr. SPENCER. It has a right to be read.

Mr. EDMUNDS. I beg the Senator's pardon. Let the bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HAMILTON, of Maryland, from the Committee on Patents, to whom was referred the petition of Eliza Wells, administratrix, praying for an extension of the patent of Henry S. Wells for forming hat-bodies, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Allen B. Wilson, praying for the extension of patents No. 346 and 314, relating to sewing-machines, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of William H. Akins and Jacob D. Felthousen, praying for relief for inventing new and useful improvements in sewing-machines, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. MORRILL, of Vermont. By consent of those members of the Committee on Public Buildings and Grounds who are present, as we shall not have another meeting, I report back the following bills without amendment and without recommendation:

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York; and

A bill (H. R. No. 3762) to amend the act entitled "An act for the

erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, who were instructed by a resolution of the Senate of the 11th instant to inquire whether any further legislation is necessary to secure the transportation of the additional semi-monthly mail between San Francisco, Japan, and China, submitted a report thereon; which was ordered to be printed.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3611) for the relief of Nelson Green, reported it without amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1410) fixing the salaries of the clerks at the United States armory in Springfield, Massachusetts, reported it without amendment.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company, reported it without amendment.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of Mrs. Emily Slaughter, praying to be allowed a pension, asked to be discharged from its further consideration, and that the petitioner have leave to withdraw her petition and papers for the purpose of presentation at the Pension Office; which was agreed to.

#### BILLS INTRODUCED.

Mr. MORRILL, of Vermont. By request of a friend I ask leave to introduce a bill about which I know nothing.

Leave was granted to introduce a bill (S. No. 960) for the relief of Theodore Valade, of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

#### STREET RAILWAY IN WASHINGTON.

The PRESIDENT *pro tempore*. The Secretary will now report the first bill on the Calendar.

The CHIEF CLERK. The first bill on the Calendar, resuming at the point where the Calendar was left off when it was last considered, is the bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company.

Mr. SHERMAN. We have no time to consider that bill.

The PRESIDENT *pro tempore*. The bill will be laid aside and the next bill will be reported.

#### MINERAL LANDS IN MISSOURI AND KANSAS.

The next bill on the Calendar was the bill (H. R. No. 2543) in relation to mineral lands.

Mr. BOGY. I wish to move an amendment to that bill.

Mr. BOUTWELL. I think it had better go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### COINAGE OF A TWENTY-CENT PIECE.

The next bill on the Calendar was the bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States.

Mr. STEWART. That ought to be passed.

Mr. BOGY. I object.

Mr. SARGENT. The Senator announces that he will object to every bill that comes up.

Mr. BOGY. I will unless you pass mine.

#### JESSE J. SIMKINS.

The next bill on the Calendar was the bill (H. R. No. 1200) for the relief of the sureties of the late Jesse J. Simkins, collector of the port of Norfolk, Virginia.

Mr. BOGY. I object.

Mr. EDMUNDS. I was going to ask that the bill be referred to the Committee on the Judiciary. We considered it last year and came to a different conclusion from what the Committee on Finance do now. As it is purely a question of law as to discharging a surety, I think we ought to be allowed to reconsider it, with a view to see if we were right or our friends of the Finance Committee are.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that this bill be referred to the Committee on the Judiciary.

Mr. EDMUNDS. I ask unanimous consent, not to take time.

There being no objection, the bill was referred to the Committee on the Judiciary.

#### PRESIDIO RESERVATION.

The next bill on the Calendar was the bill (S. No. 492) authorizing the city and county of San Francisco to use the Presidio reservation as a park and highway.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. That will lead to debate.

The PRESIDENT *pro tempore*. The Senator objects, and it will be passed over.

Mr. HAGER. I did not understand that there was an objection made.

The PRESIDENT *pro tempore*. The Chair did.

#### JAMES AND EMMA S. CAMERON.

The next bill on the Calendar was the bill (S. No. 647) to pay James and Emma S. Cameron for property taken and used by the Army during the late war.

Mr. SHERMAN. That is one of those contested claims.

The PRESIDENT *pro tempore*. Does the Senator object?

Mr. SHERMAN. I ask members of the committee if that is not one of the contested war claims for damages?

Mr. SCOTT. It is a case reported by the Senator from West Virginia for damages by occupation of real estate, for fire-wood, &c., furnished to the Army during its occupation of the country around Chattanooga. That is the nature of the claim.

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next bill on the Calendar will be reported.

#### CHIPPEWA INDIANS.

The next bill on the Calendar was the bill (S. No. 648) making an appropriation for the relief of the Chippewa Indians attached to the Red Cliff and Bad River reservations in Wisconsin.

Mr. INGALLS. The appropriation called for by that bill has been provided for in the Indian appropriation bill. I move that the bill be indefinitely postponed.

The motion was agreed to.

#### PETER S. PATTON.

The next bill on the Calendar was the bill (H. R. No. 753) for the relief of Peter S. Patton; which was considered as in Committee of the Whole.

The preamble recites that in the month of March, 1872, the post-office at Burlington, Kansas, was burglariously entered and robbed of public moneys and property to the amount of \$420; that such robbery was effected without fault or negligence on the part of the postmaster, Peter S. Patton; and that he has paid to the United States the amount and value of the moneys and property so stolen, and expended in the pursuit and arrest of the burglars the further sum of \$100. The bill therefore provides for paying to Peter S. Patton \$510 to reimburse him for the payments and expenses so by him made and incurred.

The Committee on Post-Offices and Post-Roads proposed to amend the bill by striking out "\$510," and inserting "\$420."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### MARKING AND CANCELING STAMPS.

The next bill on the Calendar was the bill (S. No. 434) referring to the Court of Claims, for adjudication and determination, the claims of the parties therein named for the past and future use of the Norton postmarking and postage-canceling hand-stamp and the Robertson improved hand-stamp.

Mr. EDMUNDS. Let that go over.

#### COINAGE OF TWENTY-CENT PIECES.

Mr. BOGY. I move that Senate bill No. 468, authorizing the coinage of a twenty-cent piece of silver at the mints of the United States, be taken up, which was passed a moment ago on my objection.

#### POSTAL TELEGRAPH.

The PRESIDENT *pro tempore*. The next bill will be reported.

The next bill on the Calendar was the bill (S. No. 651) to provide for the transmission of correspondence by telegraph.

The PRESIDENT *pro tempore*. Is there objection?

Several Senators objected.

#### COINAGE OF TWENTY-CENT PIECES.

Mr. SARGENT. I rise to ask a question. The Senator from Missouri objected to a bill a short time since and he desires to withdraw that objection. Cannot that now be taken up?

The PRESIDENT *pro tempore*. The bill has been passed in order. The next bill on the Calendar will be reported.

#### LANDS IN UTAH.

The next bill on the Calendar was the bill (S. No. 425) for the restoration to market of certain lands in the Territory of Utah; which was considered as in Committee of the Whole. It repeals so much of the act of Congress approved May 5, 1864, entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley," as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservations therein referred to, and the Secretary of the Interior is directed to restore the same to the public domain for disposition as other public lands.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### SPECIE PAYMENT.

Mr. SPENCER. The next two bills are reported adversely.

The next bill on the Calendar was the bill (S. No. 124) providing for the resumption of specie payments and for free banking.

Mr. MORRILL, of Vermont. Let it be postponed to next session.

The PRESIDENT *pro tempore*. The Senator from Vermont objects,

and the next bill will be reported.

Mr. HOWE. The next bill is objected to.

The PRESIDENT *pro tempore*. Did the Senator from Alabama

move its indefinite postponement?

Mr. SPENCER. No; let it be laid aside.

#### INTERNAL-REVENUE TAXES.

The next bill on the Calendar was the bill (S. No. 408) to provide for the refunding of internal-revenue taxes improperly assessed and collected, which was reported adversely by the Committee on Finance.

Mr. WEST. I object to that.

The PRESIDENT *pro tempore*. The bill will be laid aside. The next bill on the Calendar will be reported.

Mr. EDMUNDS. I object to the next bill, which is the Mennonite bill.

#### GENERAL S. W. CRAWFORD.

The next bill on the Calendar was the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army.

Mr. WRIGHT. I am satisfied that bill must go over.

The PRESIDENT *pro tempore*. It will be laid aside, and the next bill will be reported.

#### HUNTER'S CHAPEL.

The next bill on the Calendar was the bill (S. No. 682) for the relief of the board of trustees of the Methodist Episcopal church at Arlington Heights, known as Hunter's Chapel.

Mr. BOUTWELL. Let that go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### WILLIAM PELHAM.

The next bill on the Calendar was the bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico; which was considered as in Committee of the Whole. It requires the Secretary of the Interior to settle and pay whatever amount may be found due and owing by the Government to William Pelham as surveyor-general of the Territory; and appropriates \$518.90, or so much thereof as may be necessary, for that purpose.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

The next bill on the Calendar was the bill (S. No. 463) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

Mr. SPENCER. I do not think there can be any objection to this bill.

Mr. SHERMAN. It is a Senate bill, and I object.

The PRESIDENT *pro tempore*. The bill will be laid aside and the next bill will be reported.

#### ZOOLOGICAL GARDEN.

The next bill on the Calendar was the bill (S. No. 265) to establish the Corcoran Park and Zoological Garden, near the Capitol, in the District of Columbia, and to incorporate a society to maintain the same, and a company to construct a street railroad thereto.

Mr. EDMUNDS. I object to that bill because I have examined it.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### PUBLIC PRINTING.

The next bill on the Calendar was the bill (S. No. 689) to further regulate the public printing.

Mr. EDMUNDS. The Senator from Rhode Island [Mr. ANTHONY] said that would lead to debate and it would not be of any use to take it up now.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### NATIONAL CURRENCY.

The next bill on the Calendar was the bill (S. No. 396) to amend the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864.

Mr. HOWE. That question is settled. [Laughter.]

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. EDMUNDS. I am sure there cannot be any objection to that.

[Laughter.]

Mr. SPENCER. In order to facilitate business I move that we act only on House bills. It is useless to take up Senate bills now.

Mr. EDMUNDS. That is not clear.

#### HELENA ASSAY OFFICE.

The next bill on the Calendar was the bill (S. No. 312) to establish an assay office at Helena, in the Territory of Montana.

Mr. MORRILL, of Vermont. I think this bill has already been passed.

The PRESIDENT *pro tempore*. It will be laid aside and the next bill on the Calendar will be reported.



## ANACOSTIA AND POTOMAC RIVER RAILROAD.

The next bill on the Calendar was the bill (S. No. 575) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction.

Mr. HITCHCOCK. I move that the House bill of the same title and the same language be substituted in place of that Senate bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. STEWART. I object.

Mr. EDMUNDS, (to Mr. HITCHCOCK.) When we come to the House bill you can accomplish what you want.

## WARREN &amp; MOORE.

The next bill on the Calendar was the bill (S. No. 701) for the relief of Warren & Moore, of Nashville, Tennessee.

Mr. EDMUNDS. That is a war claim.

Mr. BOUTWELL. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

## COINAGE ACT.

The next bill on the Calendar was the bill (H. R. No. 2878) to amend the twenty-fifth section of the coinage act of 1873.

Mr. EDMUNDS. That had better be considered further.

The PRESIDENT *pro tempore*. The bill will be passed over.

## ELIJAH LAWS.

The next bill on the Calendar was the bill (S. No. 710) for the relief of E. Laws, chief engineer United States Navy; which was read the second time, and considered as in Committee of the Whole. It provides that the services of Elijah Laws, as first assistant engineer of the United States Navy, shall be considered in every respect except in that which may change his present rank as though he had received a warrant appointing him to that position on the 17th day of March, 1863, the date of the warrants as first assistant engineers of those who entered the service next after him; and as chief engineer shall be considered in every respect except in that which may change his present rank or position on the Navy Register as having commenced on the 13th day of August, 1866, the date of the completion of the two years' sea service required for first assistant engineers before promotion after March 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## DIRECT-TAX LAND SALES.

The next bill on the Calendar was the bill (S. No. 343) for the relief of purchasers of lands sold for direct taxes in the insurrectionary States.

Mr. HOWE. That bill is reported adversely.

Mr. EDMUNDS. Let it be postponed indefinitely, so as to get it off the Calendar.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely if there be no objection.

## NEVADA COUNTY NARROW-GAUGE RAILROAD.

The next bill on the Calendar was the bill (S. No. 666) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad.

Mr. SARGENT. A similar bill has been passed by both Houses. I therefore move that this bill be indefinitely postponed.

The motion was agreed to.

## EQUALIZATION OF BOUNTIES.

The next bill on the Calendar was the bill (S. No. 717) to equalize bounties of soldiers who served in the late war for the Union.

Mr. EDMUNDS. That can be acted upon on the pension bill. It will be an ornament to that bill. I think it had better go over now.

The PRESIDENT *pro tempore*. The bill will be laid aside.

## SILAS I. FIELD AND SAMUEL F. DALLEY.

The next bill on the Calendar was the bill (S. No. 153) for the relief of Silas I. Field and the heirs of the late Samuel F. Dalley, of the city of Little Rock, in the State of Arkansas.

Mr. EDMUNDS. I suggest that that bill, which was reported adversely from the Committee on the Judiciary, be postponed indefinitely, if there be no objection.

Mr. CLAYTON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will remain on the Calendar.

## BIDS FOR INDIAN SUPPLIES.

The next bill on the Calendar was the bill (S. No. 699) to regulate bids for goods, supplies, and transportation on account of the Indian service.

Mr. INGALLS. The provisions of that bill having been incorporated in the general Indian appropriation bill, I move that it be postponed indefinitely.

The motion was agreed to.

## RIGHTS OF UNNATURALIZED PERSONS IN THE NAVY.

The next bill on the Calendar was the bill (H. R. No. 2330) to extend the provisions of section 21 of chapter 200 of the acts passed at the

second session of the Thirty-seventh Congress, giving to unnaturalized persons enlisting in the naval service or Marine Corps of the United States the same rights as are now given by law to such persons enlisted in the Army of the United States.

Mr. EDMUNDS. Let the bill be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. MORRILL, of Maine. The effect of that bill ought to be explained to us.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I object, unless an explanation is made of its object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be laid aside.

## GOVERNMENT OF THE NAVY.

The next bill on the Calendar was the bill (S. No. 706) to amend the act, approved July 17, 1862, entitled "An act for the better government of the Navy of the United States."

Mr. EDMUNDS. That cannot be acted upon now. It is a general bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

## FRANCES A. ROBINSON.

The next bill on the Calendar was the bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased.

The bill was read.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be laid aside.

## JOHN HASELTINE'S PATENT.

The next bill on the Calendar was the bill (S. No. 620) authorizing the extension of the patent granted to John Haseltine for a new and useful water-wheel.

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

## JOSHUA HATHAWAY'S PATENT.

The next bill on the Calendar was the bill (S. No. 544) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion.

Mr. HITCHCOCK and Mr. TIPTON. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

## REYNOLD'S PATENT BRAKE.

The next bill on the Calendar was the bill (S. No. 537) for the extension of the patent known as Reynold's patented brake for power-looms.

Mr. LEWIS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

## EMANUEL SMALL AND JAMES TATE.

The next bill on the Calendar was the bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and James Tate, of Atchison County, Missouri, for carrying the mails, which was considered as in Committee of the Whole.

The bill appropriates \$110 to pay Emanuel Small and James Tate, of Atchison County, Missouri, the amount found by the Sixth Auditor of the Treasury to be due them for carrying the mails of the United States in the county of Atchison, under a contract with the United States, during the years 1868 and 1869.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

## JANE DULANEY.

The next bill on the Calendar was the bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney.

Mr. INGALLS. Let that bill go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

## DISTRICT SCHOOL-TEACHERS.

The next bill on the Calendar was the bill (S. No. 723) to repeal a part of the act entitled "An act making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same," approved April —, 1874.

Mr. STEWART. A House bill on the same subject has been passed, and this ought to be indefinitely postponed.

The bill was postponed indefinitely.

## WASHINGTON INEBRIATE ASYLUM.

The next bill on the Calendar was the bill (S. No. 224) to incorporate the Washington City Inebriate Asylum in the District of Columbia.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

## HENRY H. SIBLEY.

The next bill on the Calendar was the bill (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fred-

ericksburgh, Virginia; which was considered as in Committee of the Whole.

The Committee on the Judiciary propose to amend the bill so as to make it read:

That all political disabilities imposed by the fourteenth amendment of the Constitution of the United States upon Henry H. Sibley, by reason of his participation in the rebellion, be, and the same are hereby, removed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, two-thirds voting in favor thereof.

THOMAS M. JONES.

The next bill on the Calendar was the bill (S. No. 523) to remove the disabilities of Thomas M. Jones, of Virginia; which was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

Mr. EDMUNDS. The word "political" should be inserted before "disabilities" in the title.

The title was so amended.

C. D. ANDERSON.

The next bill on the Calendar was the bill (S. No. 674) to relieve C. D. Anderson of his legal and political disabilities; which was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend the bill by striking out the words "legal and" before "political."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended by striking out the words "his legal and" before "political."

ARKANSAS WESTERN JUDICIAL DISTRICT.

The next bill on the Calendar was the bill (S. No. 248) to facilitate the trials of criminal causes in the western judicial district of Arkansas, and for other purposes.

Mr. CLAYTON. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

RETIREMENT OF ARMY OFFICERS.

The next bill on the Calendar was the bill (S. No. 319) making retirement in the Army and Marine Corps after a certain age obligatory.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

MARTIN KALBFLEISCH'S SONS.

The next bill on the Calendar was the bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons; which was considered as in Committee of the Whole. It provides for the payment to Martin Kalbfleisch's Sons of \$5,241.28, in full payment for acids furnished the United States assay office in the city of New York, in the years 1869 and 1870.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DABNEY H. MAURY.

The next bill on the Calendar was the bill (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia; which was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. FAUNTLEROY.

The next bill on the Calendar was the bill (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia; which was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

METAL CASTINGS.

The next bill on the Calendar was the bill (S. No. 119) for the better security of property in patterns for metal castings.

Mr. WADLEIGH. I move that that bill be indefinitely postponed. It is reported adversely.

The motion was agreed to.

OCEAN COURSES FOR STEAM-VESSELS.

The next bill on the Calendar was the bill (S. No. 368) to provide for the establishment of an international commission of the maritime powers to lay down ocean courses for steam-vessels, and otherwise provide for increased safety of sea travel.

Mr. TIPTON. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. SHERMAN. Cannot a motion be made to lay on the table the motion to reconsider in that case? This is a bill of considerable importance. It was passed and a motion to reconsider entered. I move to lay the motion to reconsider on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to lay the motion to reconsider on the table.

The motion was agreed to.

Mr. SPRAGUE. My objection to that bill was simply that it constitutes a new officer. My belief was that an officer already in the service of the Government should be designated.

Mr. SHERMAN. The bill goes to the House of Representatives and they can amend it.

The PRESIDENT *pro tempore*. The motion to reconsider was laid on the table. That relieves the bill of that motion, and it stands passed.

GROSS OF MATCHES.

The next bill on the Calendar was the bill (S. No. 728) to define a gross of matches, to provide for uniform packages, and for other purposes.

Mr. BOUTWELL. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

SCHOOLS IN MISSOURI.

The next bill on the Calendar was the bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri; which was considered as in Committee of the Whole.

Section 1 provides for all fractional townships in the State of Missouri which are entitled to public lands for the support of schools, according to the provisions of the act of Congress approved March 20, 1826, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," and for which no selections have heretofore been made, there shall be reserved and appropriated out of the public lands, for each of those fractional townships, the amount of land to which they were respectively entitled according to the provisions of that act.

Section 2 provides that the lands to which those fractional townships are so entitled shall be selected by the Commissioner of the General Land Office out of any unappropriated public land within the State of Missouri.

The first amendment reported by the Committee on Public Lands was in section 1, line 6, to strike out the word "March" and insert "May."

The amendment was agreed to.

The next amendment was in section 2, line 4, after the word "Missouri" to insert "subject to sale or location at \$1.25 an acre."

The amendment was agreed to.

Mr. HITCHCOCK. Does this bill provide for issuing land warrants to be located anywhere?

Mr. BOGY. No; it is only in the State of Missouri.

Mr. HITCHCOCK. If "Missouri" is stricken out I object to the bill.

Mr. BOGY. "Missouri" is not stricken out.

Mr. EDMUNDS. That is all right.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate to suspend the sixteenth and seventeenth joint rules of the two Houses for the residue of the present session.

PROTECTION OF TREES.

The next bill on the Calendar was the bill (S. No. 524) to protect the timber lands of the United States Government reservations and lands purchased by the United States; which was considered as in Committee of the Whole.

The Committee on Public Lands proposed to amend the bill by inserting at the end thereof the following proviso:

*Provided*, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to pre-emption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May 10, 1872.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang;



A bill (H. R. No. 3211) to change the name of the schooner Delmar; and

A joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the House had passed the following bills:

A bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association; and

A bill (S. No. 683) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims.

#### THE CALENDAR.

Mr. EDMUNDS. I ask unanimous consent that we may continue the Calendar for another hour, and, at the suggestion of Senators, that we take up the House bills. Several have suggested that we proceed with House bills only.

Mr. FERRY, of Michigan. I object to confining it to House bills. The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent to continue the Calendar another hour, confining it to House bills.

Mr. FERRY, of Michigan. Let us say, "all unobjected cases," including Senate bills.

Mr. EDMUNDS. Very well; I will take that.

Mr. SHERMAN. I prefer that the motion be submitted in the usual form.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the unfinished business and continue the consideration of unobjected cases on the Calendar for one hour.

The motion was agreed to.

Mr. CLAYTON. Is this for unobjected cases?

Mr. EDMUNDS. Certainly, the same as before.

The PRESIDENT *pro tempore*. Under the Anthony rule, the Chair supposes. The next bill on the Calendar will be reported.

Mr. DAVIS. I inquire what will be the regular order after this hour expires?

Mr. SHERMAN. That is for the Senate to say.

The PRESIDENT *pro tempore*. The unfinished business is the pension bill.

Mr. SHERMAN. I did not so understand. I understood the pension bill was postponed with a view to take up the Calendar.

Mr. DAVIS. For one hour.

The PRESIDENT *pro tempore*. The Chair understood the motion to be in substance to continue the morning hour one hour.

Mr. EDMUNDS. That was the motion.

The PRESIDENT *pro tempore*. The effect of which would be to leave the unfinished business as it would be if the Senate had proceeded with it at the end of the morning hour.

Mr. SHERMAN. To that I objected and moved that all prior orders be postponed with a view to continue the Calendar. I did not make a motion of this kind without having a purpose, and it was to get rid of the further discussion of the pension bill, which will necessarily in my judgment prolong the session.

The PRESIDENT *pro tempore*. The Chair is at fault. The Chair heard no motion from the Senator from Ohio, but only the motion of the Senator from Vermont.

Mr. EDMUNDS. The Chair certainly put the motion of the Senator from Vermont, and that is what the Senate voted on. I wish to get rid of the pension bill, but I wish to do it squarely.

The PRESIDENT *pro tempore*. The Chair submitted the motion made by the Senator from Vermont. That was the motion on which the Senate voted. The next bill on the Calendar will be read, being the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside. The next bill will be reported.

#### CORPORATIONS IN DISTRICT OF COLUMBIA.

The next bill on the Calendar was the bill (S. No. 759) to amend the act entitled "An act to provide for the creation of corporations by general law," approved May 5, 1870.

Mr. BUCKINGHAM. Let that be postponed.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### WATCH PRESENTED BY WASHINGTON TO MARQUIS DE LAFAYETTE.

Mr. HAMLIN. I hold in my hand a joint resolution which I think requires a little courtesy from this body, and I ask that I may be allowed to report it and put it upon its passage.

Mr. SHERMAN. What is it?

Mr. HAMLIN. It is a resolution which came from the House of Representatives authorizing the purchase of a watch which was a present from Washington to Lafayette. I am directed by the Committee on Foreign Relations to report it back and recommend its passage, and I ask for its present consideration. I have the watch here in my possession.

There being no objection, the joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de Lafayette of the watch presented to him by General Washington, was considered as in Committee of the Whole. It appro-

priates the sum of \$300, or so much thereof as may be necessary, for the purchase and restoration to the family of the Marquis de Lafayette of the watch presented to him by General Washington, and lost by General Lafayette during his last visit to this country, such purchase and restoration to be made under the direction of the Secretary of State.

[During the reading of the joint resolution several Senators gathered around Mr. HAMLIN's desk to examine the watch.]

Mr. MORRILL, of Maine. If it is in order I move that that watch lie on the table. [Laughter.]

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed unanimously.

#### STATUE TO GENERAL MEADE.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

Mr. SCOTT. I desire now to make an appeal to the Senate in the same line as that which has just been responded to on the application of the Senator from Maine. A bill came from the House yesterday and was reported this morning from the Committee on Military Affairs, to donate twenty cannon for the statue of General George Gordon Meade. The gentlemen of Philadelphia who have that matter in charge have telegraphed me to procure its passage. I hope that these twenty cannon out of the hundreds captured by the Army under General Meade will not be denied for this purpose. I ask that that bill be put on its passage.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HAMILTON, of Maryland. Will you stop at that?

Mr. SCOTT. Yes.

Mr. HAMILTON, of Maryland. Very well.

There being no objection, the bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### STATUE OF ADMIRAL FARRAGUT.

Mr. TIPTON. Now, inasmuch as we have provided for the statue of General Meade, I move that we proceed to the consideration of House joint resolution No. 59, for a statue of Admiral Farragut.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to proceed to the consideration of the resolution indicated by him.

There being no objection, the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut, was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to contract with some suitable and skillful sculptor for a bronze statue of the late Admiral Farragut, as authorized in the joint resolution of April 16, 1872, to be disposed of as therein directed. The selection of the sculptor or artist to execute the statue is to be made by the Secretary of the Navy, the General of the Army, and Mrs. Virginia L. Farragut, or a majority of them.

The Committee on Public Buildings and Grounds reported an amendment to strike out in line 9 the words "the General of the Army" and insert "the Admiral of the Navy."

The amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MORRILL, of Vermont. I move to reconsider the vote by which the House joint resolution (No. 59) has just been passed.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to reconsider the vote by which the Senate passed the joint resolution in regard to the Farragut statue.

Mr. MORRILL, of Vermont. I do not ask for action now.

The PRESIDENT *pro tempore*. The motion will be entered.

Mr. SPRAGUE. I move that the motion be laid on the table.

Mr. MORRILL, of Vermont. I ask the Senator to withdraw that motion.

The PRESIDENT *pro tempore*. The motion to lay on the table is not debatable.

The Chair put the question, and declared that the ayes appeared to prevail.

Mr. MORRILL, of Vermont. I desire to have a few moments' opportunity to explain—

Mr. SPRAGUE. Debate is not in order.

The PRESIDENT *pro tempore*. Debate is out of order. The motion to reconsider is laid on the table, unless the Senator from Vermont demands a division.

Mr. MORRILL, of Vermont. I hardly think it is treating me handsomely, that being out of the Senate a moment this should have been taken up out of order—

Mr. SPRAGUE. Debate is out of order.

The PRESIDENT *pro tempore*. The motion is laid on the table, and the next bill on the Calendar in regular order will be reported.

#### M. H. PLUNKETT.

The bill (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### LANDS IN CALIFORNIA.

Mr. SPENCER. The next two bills on the Calendar, being the bill (S. No. 610) to authorize the correction of the boundaries of certain lands in California, and the bill (S. No. 611) for the relief of settlers on certain lands in the State of California, have been reported adversely.

The PRESIDENT *pro tempore*. They will be indefinitely postponed if there be no objection.

Mr. HAGER. These two bills I ask may remain on the Calendar.

The PRESIDENT *pro tempore*. They will be laid aside, remaining on the Calendar.

#### STATE OF GEORGIA.

The next bill on the Calendar was the bill (S. No. 598) to refund to the State of Georgia certain moneys expended by said State for the common defense in 1777.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### WILLIAM WHEELER HUBBELL.

The next bill on the Calendar was the bill (S. No. 785) to settle for the inventions and patents of William Wheeler Hubbell.

Mr. LEWIS. I object.

Mr. RAMSEY and Mr. HAMLIN. That bill ought to pass.

The PRESIDENT *pro tempore*. Is there objection?

Mr. LEWIS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### CITIZENSHIP OF INDIANS.

The next bill on the Calendar was the bill (S. No. 729) to enable Indians to become citizens of the United States.

Mr. HITCHCOCK. Let that go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### ABSENTEE SHAWNEE LANDS.

The next bill on the Calendar was the bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the Absentee Shawnee lands in Kansas," approved April 7, 1869; which was considered as in Committee of the Whole.

The preamble recites that several tracts of land ceded to the Shawnee Indians by the treaty concluded between them and the United States which was proclaimed November 2, 1854, were erroneously set apart and allotted to various individuals of the Shawnee tribe of Indians, and that these allotments were subsequently canceled, and therefore form a part of the residuum of the land which by the treaty was set apart for the Absentee Shawnees.

The bill therefore declares the terms of the resolution approved April 7, 1869, for the relief of the settlers upon the Absentee Shawnee lands in Kansas, shall be extended to those settlers who now occupy and have improved tracts of land known and described as the east half of the northeast quarter and the southwest quarter of the northeast quarter of section 29, in township 12, of range 23 east of the sixth principal meridian; the south half of the southwest quarter of section 5; the south half of the southwest quarter, the north half of the southwest quarter, and the northwest quarter of section 8, in township 13, of range 22 east of the sixth principal meridian, all located in the State of Kansas, within the boundaries of the tract ceded to the Shawnees by the treaty proclaimed on the 2d of November, 1854.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### COLONEL E. McCARTY.

The next bill on the Calendar was the bill (H. R. No. 352) for the relief of Colonel E. McCarty; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Colonel E. McCarty, of Illinois, assignee of Ruel Hough, the sum of \$1,450, which Ruel Hough paid to the Government on a direct-tax sale by the judgment of a United States court, the tax on the land sold having been prior to the sale by the owner thereof.

The bill was reported from the Committee on Claims with two amendments; the first of which was in line 10, before the word "prior," to insert the word "paid;" so as to read:

The tax on the land sold having been paid prior to said sale by the owner thereof.

The amendment was agreed to.

The next amendment was to add the following proviso to the bill:

*Provided*, That the said Secretary is satisfied that said McCarty has succeeded to all the rights which said Hough had to make reclamation upon the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

#### SETTLERS ON RAILROAD LANDS.

The next bill on the Calendar was the bill (H. R. No. 3162) for the relief of settlers on railroad lands; which was considered as in Committee of the Whole.

The bill provides that in the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the Land Office, the right of the road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete titles as if such lands had not been granted; but nothing herein contained is in any manner to be so construed as to enlarge the grant to any such railroad; and this act is not to be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market.

Mr. SPRAGUE. That bill is all right.

Mr. STEWART. It ought to pass.

Mr. HAGER. I have some amendments to offer which are not objected to by the committee.

Mr. EDMUNDS. Let the bill be considered subject to objection, for if we are to have new matter inserted we must reserve the right to object.

The PRESIDENT *pro tempore*. The bill will be considered subject to objection.

Mr. HAGER. My first amendment is to insert after the word "lands," in line 13, the words "not mineral."

Mr. WINDOM. There is no objection to that.

The amendment was agreed to.

Mr. HAGER. The next amendment is on page 2, line 20, after the word "railroad," to insert "or to extend to lands reserved in any land grant made for railroad purposes;" so as to read:

That nothing herein contained shall in any manner be so construed as to enlarge the grant to any such railroad, or to extend to lands reserved in any land grant made for railroad purposes.

Mr. EDMUNDS. I should like to have that read again and explained.

The amendment was again read.

Mr. EDMUNDS. What does that mean?

Mr. HAGER. I will state to the Senator that in the act granting lands for the construction of the railroad from the Missouri River to the Pacific Ocean certain exemptions are made. These words are to be found in section 3 of that act, granting lands "not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the route of said road was definitely fixed." The object is not to give new lands in place of those that were reserved by section 3. With this provision, in case they are entitled to new lands, I presume they would be entitled to those that are really exempted by the act itself. It is for the benefit of the country, for the benefit of the Government, and not for the benefit of the railroads that I propose this amendment.

The amendment was agreed to.

Mr. EDMUNDS. I am a little shy about these bills, because I do not understand them; but I will move to amend the bill by inserting after the word "enlarge," in line 19, the words "or extend," and striking out the word "the" and inserting "any;" so that it will read:

That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to said railroad.

Mr. WINDOM. I have no objection to that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

#### ROBERT COLES.

The next bill on the Calendar was the bill (S. No. 214) for the relief of Robert Coles; which was considered as in Committee of the Whole.

The preamble recites that it appears that, according to the laws of the State of Iowa, Robert Coles is the rightful owner of swamp land indemnity certificate numbered 92, for 2,353.26 acres, dated March 28, 1872, and indemnity certificate numbered 93, for 36.36 acres, dated April 15, 1872; that the list of swamp selections made in the year 1858, upon which proof for indemnity, under act of March 2, 1855, was submitted to the Commissioner of the General Land Office, and was filed for action there on June 20, 1860, and the list of selections was approved by the surveyor-general of the State of Iowa, as appears from his letter to the county judge of Lucas County, in said State, dated March 3, 1859; that had this list of selections been certified up to the Commissioner of the General Land Office at the time of the approval, there were large bodies of vacant public lands upon which indemnity certificates could have been located; and that at the time the foregoing indemnity certificates were issued there were no vacant



public lands in the State of Iowa upon which the same could be located. The bill therefore empowers Robert Coles to locate the indemnity certificates numbered 92 and 93 upon any of the unsold public lands subject to entry at \$1.25 per acre, or one-half the number of acres thereof upon lands subject to sale at \$2.50 per acre, or any number of acres thereof. And upon the return of the indemnity certificates numbered 92 and 93 to the General Land Office, the Commissioner is required to issue a patent for the lands so located to Robert Coles, his heirs or assigns.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL P. HARBEN.

The next bill on the Calendar was the bill (S. No. 522) for the relief of Nathaniel P. Harben, of Georgia.

Mr. EDMUNDS. Let that go over.

Mr. SCOTT. Before it does go over there ought to be an amendment offered changing the amount. However, let it go over for the present.

The PRESIDENT *pro tempore*. The bill will be laid aside.

BELLE E. HAMMOND.

The next bill on the Calendar was the bill (S. No. 416) for the relief of Belle E. Hammond, of Closter, Bergen County, New Jersey, reported adversely from the Committee on Claims.

Mr. FRELINGHUYSEN. Let that go over.

The PRESIDENT *pro tempore*. It will be laid aside.

PEABODY SCHOOL IN SAINT AUGUSTINE, FLORIDA.

The next bill on the Calendar was the bill (S. No. 782) to grant a site for the Peabody School in Saint Augustine, Florida.

The PRESIDENT *pro tempore*. This bill has heretofore been considered and amended, and an amendment is now pending.

Mr. EDMUNDS. Let the bill and amendment be read.

The CHIEF CLERK. The bill, as amended, reads:

*Be it enacted, &c.*, That the western part of the lot of land in Saint Augustine, Florida, lying at the corner of Tolamato and King streets, and now the property of the United States, the said part of said lot having a south front upon King street of two hundred feet, and a west end upon Tolamato street of one hundred and sixty-seven and three-tenths feet, a rear upon the north of two hundred feet, and an east end of one hundred and sixty-seven and three-tenths feet, is hereby ceded, given, and granted to the board of education of the State of Florida, for the use of a public free school in the city of Saint Augustine, Florida, and to their successors; and the said board of education are hereby fully authorized to erect thereon such a building as in their judgment shall be for the best advantage of the school.

SEC. 2. That this act shall take effect from its passage.

It is proposed to amend the first section by inserting:

*Provided*, That if at any time in the admissions to the school hereby established there shall be any exclusion on account of race, color, or previous condition of servitude, the grant hereby made shall determine and the property revert to the United States.

Mr. JOHNSTON. I object to that.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JAMES L. JOHNSON.

The next bill on the Calendar was the bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations.

Mr. EDMUNDS. Let that go over. I remember that case.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JAMES PRESTON BECK.

The next bill on the Calendar was the bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., authorizing payment for Indian depredations.

Mr. EDMUNDS. Does that relate to the same subject, I ask the Senator from Missouri?

Mr. BOGGY. These two bills belong to the same subject.

Mr. EDMUNDS. Then I object. I did not know but that this last one was on another subject, and if so, I did not wish to object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

RAILROAD IN FLORIDA AND ALABAMA.

The next bill on the Calendar was the bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad.

The PRESIDENT *pro tempore*. Is there objection to this bill?

Mr. CONOVER. I hope there will be no objection to the bill. It has been pending a long time, and is simply to grant the right of way through the public lands. It is a measure in which my State is particularly interested.

The bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Railroads with an amendment, to strike out all after the enacting clause and insert the following:

That the right of way through the public lands is hereby granted to Daniel P. Holland, the proprietor of the Jacksonville, Pensacola and Mobile Railroad, his associates, successors, and assigns, for the construction of a railroad in the States of Florida and Alabama from the present terminus of said railroad on the Apalachicola River, in the State of Florida, through the States of Florida and Alabama, to the city of Mobile, Alabama; and from a point on the line of said railroad to the city of Pensacola; and from a point opposite the corporate limits of the city of Jacksonville, on the Saint John's River, to the city of Saint Augustine, Florida; and the right, power, and authority are hereby granted to said Daniel P. Holland, his successors or assigns, to take from the public lands adjacent to the line of said railway, to the extent of one hundred feet in width on each side of the central line of said

road where it may pass through the public lands, material for the construction and maintenance thereof; and the necessary grounds for stations and depots, or other necessary places, such as turn-outs and water-stations, are hereby granted to said Daniel P. Holland, his successors or assigns, to an amount not exceeding twenty acres for each ten miles in length of main line of railroad where it may pass through the public lands: *Provided*, That within one year from the passage of this act the said Daniel P. Holland, proprietor of the Jacksonville, Pensacola and Mobile Railroad, his successors or assigns, shall file with the Secretary of the Interior his acceptance of this act and a map of the routes exhibiting the line of the road.

SEC. 2. That said railroad shall be a post-route and a military road, and Congress at any time may fix rates of tariff for troops, materials of war, and mails, and may add to, alter, or amend this act.

SEC. 3. That all acts and parts of acts conflicting with this act be, and they are hereby, repealed.

Mr. THURMAN. The bill ought to be amended by making the license granted in it cease upon the completion of the road. Otherwise there would be a servitude of those two hundred feet that might interfere with the Government selling and making a good title to the property afterward.

Mr. CONOVER. I have no objection to any such amendment.

The PRESIDENT *pro tempore*. Will the Senator from Ohio state his amendment?

Mr. THURMAN. Let there be a proviso inserted in these words:

*Provided*, That the license hereby granted shall cease upon the completion of said road.

Mr. CONOVER. I do not want the license to cease on the completion of the road, for then they would have to tear it up again.

Mr. THURMAN. I will say "the right to take material shall cease upon the completion of the road."

Mr. CONOVER. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. CONOVER. I wish to amend in section 1, line 15, by inserting the words "or associates" and striking out the word "or," so as to read "his successors, assigns, or associates."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I will inquire if there is any limitation in respect to the time within which this road is to be constructed or the right lapses?

The PRESIDENT *pro tempore*. Within one year.

Mr. EDMUNDS. I should like to have that clause read.

The Chief Clerk read as follows:

*Provided*, That within one year from the passage of this act the said Daniel P. Holland, proprietor of the Jacksonville, Pensacola and Mobile Railroad, his successors, assigns, or associates, shall file with the Secretary of the Interior his acceptance of this act and a map of the routes exhibiting the line of the road.

Mr. EDMUNDS. That does not cover the point. I move to amend by adding as an additional section the following:

That if said railroad shall not be completed and put in operation within five years after the passage of this act all rights herein granted shall cease and determine.

Mr. CONOVER. I will accept that amendment. All I want is the right to build the road through the public lands.

The amendment to the amendment was agreed to.

The amendment of the committee, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REDEMPTION OF LANDS SOLD FOR DIRECT TAXES.

The next bill on the Calendar was the bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act; which was considered as in Committee of the Whole.

The bill proposes to extend the time allowed in and by the first section of the act of Congress approved June 8, 1872, entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," for the term of two years from the 1st day of June next.

The second section suspends the operation of the fourth section of the act until the expiration of the term of two years from the 1st day of June.

Mr. THURMAN. I wish a verbal amendment made in line 9, section 1, to strike out the word "next" and insert in lieu of it "1874." The bill was drawn up in May last.

The amendment was agreed to.

Mr. SHERMAN. I will inform my colleague that a similar bill extending this act one year has passed the House. This is a Senate bill and in all probability cannot be passed. I have no objection, however, to passing it in this form.

Mr. THURMAN. I would rather the bill should pass. There is a real necessity for it.

Mr. EDMUNDS. I should like the Senator from Ohio to explain the point of this bill.

Mr. THURMAN. I can explain it in a moment. By the act approved June 8, 1872, two years were given to persons whose lands had been sold for direct taxes and purchased by the United States, and which are still held and owned by the United States under those tax purchases, and upon which the United States has granted no lien of

any kind or parted with its claim in any manner, to redeem those lands by paying the full amount of taxes with interest and with considerable costs, too. The two years expired on the 1st of this present month. The object of this bill is simply to give those persons two years more in which they may redeem the lands.

Mr. EDMUNDS. In cases where the United States still hold the land?

Mr. THURMAN. Exactly.

Mr. EDMUNDS. It is confined to that?

Mr. THURMAN. Entirely.

Mr. EDMUNDS. I have no objection to that.

Mr. SHERMAN. I suppose the same exceptions are retained?

Mr. THURMAN. Certainly.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WASHINGTON CROSLAND.

The next bill on the Calendar was the bill (S. No. 807) for the relief of Washington Crossland; which was read a second time, and considered as in Committee of the Whole. It directs the payment to Washington Crossland, of Saint Louis, Missouri, the sum of \$2,000, in satisfaction of all damages which accrued to him by reason of the construction of a railroad across his two lots of land in the city of Saint Louis by the United States for military purposes.

Mr. EDMUNDS. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. EDMUNDS. I should like to hear the report read.

The Chief Clerk read the following report submitted by Mr. MERIMON on the 13th of May:

The Committee on Claims, to whom were referred the petition and accompanying papers of Washington Crossland, of the State of Missouri, have had the same under consideration, and make the following report:

The petitioner presented his petition in this behalf to the Thirty-seventh Congress, and has been urging the same ever since that time. During the first session of the Thirty-ninth Congress the Committee on Claims of the Senate had the same under consideration, and made a report which embodies substantially the facts of the matter, and the same is adopted and made part of this report. It is as follows:

"The papers in this case show that in 1861 the military authorities of the United States built a railroad across two lots of the petitioner, situate in the city of Saint Louis, and continued it for two years and four months; that said road was made to bisect the buildings on each lot, and they were consequently partially torn away; and by reason of the operation of the railroad, said property could not be rented during that period of time. It further appears that it would require at least \$1,000 to repair the buildings, and that the whole property was renting, when said railroad was commenced, for \$450 per year.

"The committee concludes that petitioner is entitled to claim from the United States \$2,375, and report a bill that he be paid that amount from the Treasury."

It appears that the claimant has not received pay on account of his said claim. This committee are of opinion that the claimant ought to be paid the sum of \$2,000 in discharge of his claim, and report the accompanying bill entitled "A bill for the relief of Washington Crossland," and recommend that the same be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN CLINTON.

The next bill on the Calendar was the bill (H. R. No. 2345) for the relief of John Clinton, postmaster at Brownsville, Tennessee.

The bill was read. It directs the proper accounting officer of the Treasury to pay the sum of \$235.35 to John Clinton, or his legal representative; the same to be in full of all claim for money stolen from the post-office at Brownsville, Tennessee, on the 1st day of November, 1870.

Mr. EDMUNDS. Is there a report in that case?

Mr. PRATT. On the 19th of December, 1872, by direction of the Committee on Claims, I submitted a report adverse to this claim of Mr. Clinton. The committee thought it was not a proper case for relief; that he had not taken care of the funds of his office in a sufficient manner. The case was not entirely clear from doubt. If the Senate will hear a brief statement of the case I will make it.

Mr. EDMUNDS. Of course we cannot consider and debate this bill now if there is such an objection as that to it.

The PRESIDENT *pro tempore*. Is there objection to the bill?

Mr. EDMUNDS. Certainly there is; I object for one.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### MRS. LOUISA P. MOLLOY.

The next bill on the Calendar was the bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy; which was considered as in Committee of the Whole.

The bill proposes to authorize the Postmaster-General to credit to the account of Mrs. Louisa P. Molloy, postmaster at Potosi, Washington County, Missouri, \$170, on account of postage-stamps stolen from the office on the night of the 16th of December, 1872, and with the further sum of \$125, being the amount of money stolen from a registered letter at the same time, the amount of which was paid by her to the owners thereof on the order of a special agent of the Post-Office Department; which credit may be allowed in her favor in any settlement hereafter made by her with the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOAB BAGLEY.

The next bill on the Calendar was the bill (H. R. No. 294) for the

relief of Joab Bagley; which was considered as in Committee of the Whole.

The Chief Clerk read the bill and the amendment reported by the Committee on Private Land Claims as a substitute.

Mr. BOGY. Let that be laid over. There is a mistake in it.

Mr. SPRAGUE. I hope not.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Objection being made, the bill will be laid aside.

#### MARCUS OTTERBOURG.

Mr. EDMUNDS. I ask the Senate—it is on the Calendar and stands at the head of it—to dispose of a motion that I made some time ago to reconsider Senate bill No. 169 for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico, which was reported favorably by the Committee on Foreign Relations. I entered a motion to reconsider, believing it to be wrong, and upon the papers that we then had I think it was; but I have made inquiry about it since, and I am satisfied thoroughly that Mr. Otterbourg did render valuable services to the United States for which he has not been paid. I think the bill ought to be amended by striking out the provision for paying him as consul, &c., so as to pay him simply as minister to Mexico from the 21st of June to the 30th of September, 1867, inclusive. For that time he has not been paid at all. He was appointed by Mr. Johnson lawfully in vacation, and the only difficulty about his right was that he took the oath before the wrong officer, there being nobody else before whom he could swear. On looking into the papers I am satisfied that it is just to Mr. Otterbourg that while he was minister he should be paid the regular pay. The pay as consul exercising diplomatic functions it does not appear to me he ought to have if he has been paid as consul proper, and it is not clear that he did in the proper sense exercise those functions and he has had some pay in that respect; but his pay as minister I am satisfied he ought to have and he never has had it. As an act of justice to him, who is a needy man, I ask the Senate to take up the motion to reconsider, and if my friend from Missouri [Mr. SCHURZ] will allow it to be reconsidered and I can move this amendment then we can pass the bill.

The PRESIDENT *pro tempore*. Is there objection to the motion to reconsider this bill? The Chair hears none.

Mr. EDMUNDS. Now, by unanimous consent, without reconsidering the third reading, I move to amend the bill by striking out all of line 8 down to line 11, including the word "and." The words I move to strike out are "as consul and minister, the salary of consul to the city of Mexico, exercising diplomatic functions from April 8, 1866, until June 20, 1867, both inclusive; and;" so that it will read: "In full compensation for his services as minister to Mexico from June 21 until September 30," &c. I propose also to strike out all the words afterward at the end of the bill as to deductions which are to be made from his pay as consul. If we strike out the consulate provision no deduction ought to be made, as he has had no pay as minister.

Mr. SCHURZ. I cannot vote for that amendment, for the reason that Mr. Otterbourg really did act as consul exercising diplomatic functions, and if the Senator will look into the report of the Department of State for those years during which he did act as consul in Mexico he will find that that was the case. Still I do not want to go into a lengthy discussion of the bill, because that would defeat it entirely. I shall vote against this amendment, and will ask the Senate to vote against it.

Mr. EDMUNDS. The Senator ought not to do that, because one of the papers we have here from the State Department asserts that he never did exercise those functions. He thinks he did; I do not know but he did; but he has tried that question in the Court of Claims and has been beaten upon it; and he has had the proper allowances for everything except his salary as minister. I do not propose to deduct out of that salary anything at all, so that it really does not make a very large deduction of the amount in the bill and puts it upon grounds where I can see my way clear to vote for it.

Mr. SHERMAN. Is this the order of business?

Mr. EDMUNDS. This has been taken up. I made the motion to reconsider. This is a poor man—

Mr. SHERMAN. The Senator sets a very bad example in regard to his own rule. I think we had better proceed with the Calendar.

Mr. EDMUNDS. The case was taken up by unanimous consent.

Mr. SCHURZ. Let us dispose of this case.

Mr. EDMUNDS. I have nothing further to say about it. The motion to reconsider is really a matter of privilege and ought to be allowed to come in.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to amend the bill so that it will read as follows:

That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister plenipotentiary to the republic of Mexico, in full compensation for his services as minister to Mexico from June 21 until September 30, 1867, both inclusive.

Mr. EDMUNDS. It merely provides to pay him as a minister. That he is clearly entitled to.

The PRESIDENT *pro tempore*. Is there objection to the amendment? If not, it is agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.



## STATUE OF ADMIRAL FARRAGUT.

Mr. MORRILL, of Maine. I will inquire whether the hour agreed upon has not arrived?

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business of yesterday.

Mr. ANTHONY. Before the morning hour expires I wish to make a motion to proceed to the consideration of the motion to reconsider the vote by which House joint resolution No. 59 amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut was passed. I do not care about its being acted upon to-day, but I want it to retain its place on the Calendar.

Mr. MORRILL, of Maine. If it leads to no debate, let it be done. The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to take up the motion of the Senator from Vermont [Mr. MORRILL] to reconsider the vote by which the Senate passed the joint resolution in regard to a statue of the late Admiral Farragut.

Mr. ANTHONY. I wish to leave it on the Calendar.

Mr. SAULSBURY. Will that displace the regular order?

Mr. EDMUNDS. No, sir; it is taken up without doing that.

Mr. SHERMAN. The Senator who moved this is not in his seat.

Mr. ANTHONY. I do not wish to have it acted upon now, but my desire is to prevent the right to reconsider being lost.

Mr. INGALLS. Was not the motion to reconsider laid on the table?

Mr. ANTHONY. It was.

Mr. INGALLS. How can it be reached except by a vote?

Mr. ANTHONY. It cannot be reached except by a vote. I make this motion that there may be a vote.

Mr. SHERMAN. Until the Senator from Nebraska [Mr. TIPTON] is in, I shall object. When he is in, I shall have no objection at all.

Mr. MORRILL, of Vermont. The Senator from Nebraska, knowing that I had an amendment which I desired to offer and an explanation to make, called up this bill in my absence, and I think the Senate ought to allow me a few minutes of explanation.

Mr. SHERMAN. The Senator from Nebraska can answer for himself; he is here.

Mr. TIPTON. I am here to say one word with the permission of the Senate. I had a conference with my friend from Vermont in regard to this little bill several days since, and it was mutually agreed between us that we would seek an opportunity to aid in its passage; he would take it up if he had an opportunity and I would take it up if I had an opportunity, and he would assist me in getting it up. When there was an opportunity to get it up in connection with the Meade monument, of course I thought it was my duty to move that it be taken up. I got it up. The Senator was not in his seat. I did not notice that at the time or certainly if he had been here I should not have interposed, if I had the power, any objection to anything he might desire to say. I never thought of taking any snap judgment on my friend, but thought I was carrying out the understanding between us that we would mutually try to get it up. I got it up and it went through very fast, and there is all the trouble about it.

Mr. MORRILL, of Vermont. I desired it acted upon, but I desired to make an explanation on the subject.

Mr. STEWART. I hope the Senator from Vermont will have the opportunity he asks. It is in his charge, and it is but just that he should have an opportunity to make any explanation he desires.

Mr. MORRILL, of Vermont. I do not propose to do it now.

Mr. MORRILL, of Maine. I suggest to the Senator from Nebraska, under the circumstances, to allow it to be reconsidered, and then it can be acted upon hereafter.

Mr. TIPTON. I cannot allow it. I did nothing in the matter that was not entirely honorable and entirely fair, and I will do nothing whatever that would insinuate that I had endeavored to get it through in any other than the manner in which it ought to be done.

Mr. MORRILL, of Maine. Of course there can be no such inference as that.

Mr. TIPTON. It was a distinct understanding that we would mutually co-operate to try and get up that bill. I was fortunate in getting it up, and it was passed, and passed according to the forms of the Senate.

Mr. MORRILL, of Vermont. But the Senator from Nebraska knew that I desired to submit some remarks in explanation of the amendments, the one that had been proposed, and another that I desired to offer. I do not desire to discuss the merits of the question on this motion, but there are certain things about it that I think the Senate ought to know.

Mr. MORRILL, of Maine. Suppose the Senator then enters his motion and allows it to pass for the present.

Mr. EDMUNDS. That will not do. It must be taken up and put on the Calendar.

Mr. TIPTON. The motion to reconsider has already been voted down; and there is an end of the question.

Mr. EDMUNDS. That is a mistake.

Mr. TIPTON. It was laid on the table.

Mr. GORDON. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Georgia calls for the regular order, which is the bill (H. R. No. 2190) granting pensions in certain cases.

Mr. EDMUNDS. I appeal to the Senator from Georgia to let us

take a vote. There has been a misunderstanding between two Senators as to a bill which was passed in the absence of one of them.

Mr. GORDON. I have no objection if it will not occupy time.

Mr. EDMUNDS. I hope the Senator from Georgia will allow us to take a vote on this motion and put the matter on the Calendar; not dispose of the question now, but put it where it can be reserved for consideration. I think it ought to be done.

Mr. GORDON. I will yield for that purpose.

The PRESIDENT *pro tempore*. The Chair will state his understanding of this matter, and it may or may not dispense with the motion which the Senator from Vermont wishes to make. The Chair understands that by the rules of the Senate no such consequence follows the laying of a question on the table as does in the House of Representatives. That is only one way of laying a matter aside for the present, and a motion can be made at any time to proceed to consider that motion. The Chair does not understand that the Senator wishes to take up the motion to reconsider for consideration now, but merely to relieve it from the effect of the vote which has been made to lay it on the table. The Chair does not see what is to be gained by that vote, because at any hour when the Senate wishes to proceed to the consideration of it the Chair would rule that the motion to proceed to consider it would be in order.

Mr. STEWART. Does that hold the bill?

The PRESIDENT *pro tempore*. It does not hold the bill.

Mr. EDMUNDS. May I ask the Chair whether under these circumstances the bill would be returned to the House of Representatives? That is the point, because if it would it could get signed, and then considering the motion to reconsider after the bill was signed would not be particularly advantageous to anybody who wanted to reconsider.

Mr. MORRILL, of Vermont. I do not desire to defeat the bill, but simply desire to make an explanation which I think it my duty to make, and I believe it would be useful to the Senate that I should state the facts in relation to the matter. I pledge myself so far as my vote is concerned that the bill shall be acted upon before the session closes.

The PRESIDENT *pro tempore*. It is moved that the motion made by the Senator from Vermont to reconsider this vote be taken from the table.

Mr. SHERMAN. I will submit another motion. I move that the Senator from Vermont now by unanimous consent be allowed to make the explanation he desires to make.

Mr. EDMUNDS. Let the bill be put on the Calendar. A bill that has passed under a misapprehension ought to be suspended. Besides, there is this reason: I was requested by one of the gentlemen named in this bill to have it amended by striking out his name from it, as a matter of personal desire on his part, which I have promised to attend to. Knowing that the bill was far down on the Calendar and that we were going according to the regular order I stepped out to attend to a card that was sent in to me, for five minutes, and when I came back I found that although we had not reached the bill by a long way in regular order, it had passed. Under such circumstances, although I do the Senator from Nebraska the credit to say that he knew nothing of this request that had been made to me, I think it is right that this motion to reconsider should be placed on the Calendar, so that when we can reach it we can take up the bill and reconsider if the Senate will do so, in order that I may make the motion which I was requested to make.

Mr. SHERMAN. I have no objection.

The PRESIDENT *pro tempore*. The question is on the motion to take from the table the motion to reconsider the joint resolution relative to the Farragut statue.

Mr. TIPTON. On that I demand the yeas and nays.

Mr. GORDON. If this question is to lead to debate I must insist on the regular order.

The PRESIDENT *pro tempore*. Does the Senator insist on the regular order?

Mr. GORDON. I do.

The PRESIDENT *pro tempore*. Then the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty, is before the Senate.

Mr. MORRILL, of Maine. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Maine.

Mr. GORDON. I believe I had not yielded the floor.

Mr. MORRILL, of Maine. The Senator from Georgia rose and called for the regular order. The order was granted, and the Chair recognized the Senator from Maine. I think I have the floor.

The PRESIDENT *pro tempore*. The Senator from Maine is entitled to the floor. He was first recognized after the bill which is the unfinished business was taken up.

Mr. GORDON. Very well.

## ORDER OF BUSINESS.

Mr. MORRILL, of Maine. I desire to address myself to the Senator from Indiana [Mr. PRATT] who has charge of the pending bill, and to move the Senate that this bill and all prior orders be postponed for the purpose of proceeding to the consideration of the sundry civil ap-

propriation bill. I hope my friend from Indiana will see the propriety and necessity of my so doing, and will therefore acquiesce without a struggle for precedence. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Maine moves to postpone the pending order with a view to proceed to the consideration of the sundry civil appropriation bill.

Mr. MORRILL, of Maine. If my honorable friend from Indiana desires I will make a statement in regard to its obvious necessity at the present moment. Otherwise, if it is acquiesced in, I have nothing to say.

Mr. WINDOM. Will the Senator from Maine yield to me to make a report from the committee of conference on the Indian appropriation bill?

Mr. MORRILL, of Maine. I have no objection, but I do not like to lose the floor. Perhaps the Senator had better wait until this question is settled.

Mr. WINDOM. Very well; I will withhold the report for the present.

The PRESIDENT *pro tempore*. The Senator from Maine moves to postpone the pending order and to proceed to the consideration of the sundry civil appropriation bill.

Mr. MORRILL, of Maine. I will say a single word, though I hardly think that to Senators who understand the character of the bill I need say anything. We have reached that period of the session when it would be perilous to the public interests and certainly to our understanding of what is the day of adjournment to postpone the consideration of this appropriation bill for an hour, even. It is one of the largest and most difficult of all the bills that are presented to the Senate of the United States during the session of Congress. It is the most difficult and complicated of the appropriation bills. It requires a great deal of deliberation and consideration, and Congress cannot afford to have it pushed into the hurry of the last hours of the session. When it has once passed from the Senate, as I hope it will in due time at no very late hour, then there will be opportunity, while it will be necessary to consider this bill in conference between the two Houses, for the transaction of such other business as the Senate may think important.

And now allow me to add, that considering the general understanding which has prevailed from the start in the Senate and considering the lateness of the hour when this bill came to us from the House, whenever the Committee on Appropriations are ready to proceed with an appropriation bill other bills and all other business of the Senate should be held in subordination to them. I hope, without spending any time on the order of business, I shall be permitted to go on. With this explanation I ask for the sense of the Senate.

The PRESIDENT *pro tempore*. The Senator from Maine moves to postpone the pending order and proceed with the sundry civil appropriation bill.

Mr. SAULSBURY. I hope that the regular order will not be postponed. It is very evident that if we go on with that bill we shall soon get through with it, and it is apparent from the opposition manifested last evening that if we suffer the pension bill now to be laid aside it will not be reached again during the present session. I hope therefore the friends of the bill which is the regular order will not suffer it to be displaced by any appropriation bill. There is no question but that we shall pass all the appropriation bills. The appropriation bills to take money out of the Treasury will all be passed. We shall not fail to pass all the appropriation bills at the proper time; but let us now pass the bill which is the regular order.

Mr. MORRILL, of Maine. Now I desire to say a word in regard to that sort of argument. I have heard it so long that the Senator must excuse me if I manifest a little impatience under it. Here we are with only one day between us and the adjournment; and here is a bill involving \$27,000,000, covering a great variety of the service of the United States, besides a great many claims that are in it; and we are told that it can be passed at any time, that there is a fate about an appropriation bill that it is sure to go through and you can trifle with it, and dally with it, and kick it this way and that; and gentlemen who are charged with this responsible duty are told when they have prepared one of these bills after labor so exhausting that they are ill prepared to go on with it that they can be turned aside while other things are being considered!

My honorable friend says that he appeals to the friends of the pension bill to stand by it. Well, Mr. President, there may be a proper time to stand by the bill; and I say to that honorable Senator that he is not authorized in any public sense whatever to rally a partisanship upon any particular bill or particular interest. Here is a bill embracing the whole interests of the country, extending very largely to interests which the Senator represents in his own State, as well as all of us; and no Senator should feel at liberty, unless he deems himself charged with a larger share of the public responsibilities than any one individual here should assume, to set aside the general understanding of the Senate upon a matter of so much importance as this to consider any one particular measure, when here is a bill involving the greatest variety of interests, all of them of a public character. I hope, therefore, we shall not spend any time on the order of business.

Mr. SAULSBURY. I certainly do not want to provoke the impatience of the Senator from Maine, but I want to say distinctly to him that I do not derive my authority on this floor as a Senator in the discharge of what I conceive to be a duty from the Senator from Maine

or from the State of Maine. I choose to act upon my own judgment in reference to my own course in this Senate. I know full well that the opposition to the pending order is such that if we suffer it to be laid aside to take up the appropriation bill, or any other bill, we shall never reach it again during the present session. It was because I was seriously impressed with that conviction that I objected to the laying aside of the pending order in order to take up the appropriation bill reported by the Senator from Maine. I am in favor of passing the appropriation bills, and I have no question but that we shall do it; and if my insisting upon adherence to the regular order provokes the impatience of Senators, I am willing that that impatience should be manifested in any manner they see proper to manifest it; but I shall not take rebukes from the Senator from Maine, or any other Senator, I trust, while I have a duty to perform in the Senate and because I, simply in the discharge of that duty, see fit to say that I demand the regular order.

Mr. EDMUNDS. I demand the yeas and nays on this question.

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 22; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Gilbert, Hager, Hamlin, Hitchcock, Howe, Ingalls, Morrill of Maine, Morrill of Vermont, Oglesby, Ramsey, Sargent, Schurz, Scott, Sherman, Spencer, Sprague, Stewart, Wadleigh, Washburn, West, Windom, and Wright—36.

NAYS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Norwood, Patterson, Pratt, Ransom, Robertson, Saulsbury, Stevenson, Thurman, and Tipton—22.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Conover, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Harvey, Jones, Lewis, Logan, Morton, Pease, and Stockton—15.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The appropriation bill is before the Senate.

Mr. GORDON. I now move that we take a recess at six until half-past seven o'clock, and at the reassembling of the Senate take up the pension bill just laid aside.

Mr. MORRILL, of Maine. I hope my honorable friend will make that motion at a little later period when we can tell better about it. It may be that we may want to take a recess at an earlier hour if we should make dispatch with this bill.

Mr. GORDON. I withdraw the motion now and give notice that I shall make it when we reach the time.

Mr. SHERMAN. For fear when the motion is made it shall be understood that the pension bill is to come up this evening, I say now distinctly beforehand that I shall not consider any declaration from a gentleman making a motion to take the recess to bind me.

Mr. GORDON. I make no motion now.

Mr. MORRILL, of Maine. The bill being up, I desire to make an observation or two. I wish to make a statement of a general character to attract the attention of the Senate to the importance of this bill, but I will yield to my friend from Minnesota [Mr. WINDOM] to make a conference report.

#### INDIAN APPROPRIATION BILL.

Mr. WINDOM. I submit a report from the committee of conference on the Indian Appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 19, 51, 52, 60, 61, 64, 82, 83, 97, 99, 100, 101, 113, 117, 118, and 123.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 28, 30, 45, 47, 50, 53, 54, 55, 56, 57, 58, 59, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 84, 86, 94, 95, 96, 102, 104, 105, 106, 108, 111, 115, 116, 120, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendments of the Senate numbered 79, 80, 91, 114, and agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment inserting "76" in lieu of "77;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 41 and 42, and agree to the same with amendments as follows: Insert "47" in lieu of "41;" and "29" in lieu of "36;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: In lieu of "35,000" insert "33,900;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 44, and agree to the same with an amendment as follows: In lieu of "40" insert "30;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 46 and 48, and agree to the same with an amendment, as follows: In lieu of "five" insert "four," and strike out of the text of the bill the words "and fifty" where they occur the first time in the amended paragraph, and in lieu of "700" insert "550;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment as follows: Strike out of the text of the amended paragraph the words "estimated at eighteen hundred souls;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 65, and agree to the same with an amendment as follows: Restore of the matter proposed to be stricken out all but the words "thirty-six," and in lieu of "60" insert "45;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 92 and 93, and agree to the same with amendments as follows: In lieu of "75" insert "65" and in lieu of "80" insert "70;" and the Senate agree to the same.



That the House recede from their disagreement to the amendment numbered 103, and agree to the same with an amendment as follows: Strike out the nine last words of the amendment; and the Senate agree to the same.

That the Senate recede from their amendment numbered 81, with an amendment as follows: Strike out of the amended paragraph the words "eighteen hundred persons at ten dollars each, and six hundred;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: Strike out of said amendment the words "United States Statutes at Large, volume 17, page 226;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Before the word "pillager," in said amendment, insert "Mississippi Chippewas and to the;" and the Senate agree to the same.

WM. WINDOM,  
A. A. SARGENT,  
LOUIS V. BOGY,  
*Managers on the part of the Senate.*  
WM. LOUGHRIDGE,  
J. T. AVERILL,  
JOHN HANCOCK,  
*Managers on the part of the House.*

The report was concurred in.

#### THE DISTRICT GOVERNMENT.

A message was received from the President of the United States, by Mr. BABCOCK, his Secretary.

The PRESIDENT *pro tempore* laid the message before the Senate, and it was read, as follows:

*To the Senate and House of Representatives:*

I respectfully invite the attention of Congress to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes." Provision is therein made for the payment of the debts of the District in bonds, to be issued by the sinking-fund commissioners, running fifty years and bearing interest at the rate of 3.65 per cent. per annum, with the payment of the principal and interest guaranteed by the United States.

The government by which these debts were created is abolished and no other provision seems to be made for their payment. Judging from the transactions in other bonds there are good grounds, in my opinion, for the apprehension that bonds bearing this rate of interest when issued will be worth much less than their equivalent in the current money of the United States. This appears to me to be unjust to those to whom these bonds are to be paid, and to the extent of the difference between their face and real value looks like repudiating the debts of the District. My opinion is that to require creditors of the District of Columbia to receive these bonds at par when it is apparent that to be converted into money they must be sold at a large discount, will not only prove greatly injurious to the credit of the District but will reflect unfavorably upon the credit and good faith of the United States.

I would recommend therefore that provision be made at the present session of Congress to increase the interest upon these bonds, so that when sold they will bring an equivalent in money, and that the Secretary of the Treasury be authorized to negotiate the sale of these bonds at not less than par and pay the proceeds thereof to those who may be ascertained to have valid claims against the District of Columbia.

U. S. GRANT.

EXECUTIVE MANSION,  
Washington, June 20, 1874.

The PRESIDENT *pro tempore*. The message will be laid on the table and printed, unless some motion be made.

Mr. THURMAN. I move that that message be referred to the Joint Committee to Investigate the Affairs of the District of Columbia.

The motion was agreed to; and the message was ordered to be printed.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. MORRILL, of Maine. I desire to have the amendments reported by the Committee on Appropriations acted upon as they are reached in the reading of the bill.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That course will be pursued if there be no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in the appropriation for public printing, to strike out the following clause from lines 30 to 34:

And the amounts herein designated for the several Executive Departments may be distributed to the Bureaus thereof, at the discretion of the head of each Department, who shall certify such distribution to the Public Printer.

And in lieu thereof to insert the following:

*Provided, That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress: Provided, however, That no expensive maps or illustrations shall be printed without the special order of Congress.*

Mr. ANTHONY. I call the attention of the committee to what I think is a defect in this amendment. There are a number of reports, most of them statistical in their character, that are prepared by the various Departments and are printed for distribution by the Departments. The number is very small. I think there is no abuse in it. I think that if we are to have a Bureau of Statistics, for instance, to collect statistics, it is absurd to pack them away in the pigeon-holes or upon the shelves of the Departments. They should be printed for some purpose, for some diffusion of information. It strikes me that this amendment cuts off the power in the heads of Departments to print documents of this kind. Certainly, it seems to me, we ought to intrust the head of a Department with the power to print a few documents.

Mr. WEST. Is that all the amendment?

Mr. ANTHONY. It says "only for the use of Congress." I do not want the Departments to print documents for the use of Congress. We can print our own documents, and we do not want the Departments to order documents for the use of Congress and pay for them out of their appropriations for printing. That is our business. I move to amend the amendment in line 39, after the word "Congress," by inserting "and of the Departments ordering the same," thereby vesting in the Secretary of the Treasury and the Secretary of State the power to print certain documents the information for which is collected in their Departments.

Mr. MORRILL, of Maine. My honorable friend will remember that this is the identical proposition with which he expressed entire satisfaction in his own bill; and I think if he will reflect upon it he will see that nothing less stringent than this will at all meet the difficulty which we all agree has been an abuse.

Mr. ANTHONY. My satisfaction was a good deal like the resignation of a colored brother when he was dying. He was resigned because he could not help it. This restriction was placed upon the bill which I reported; it did not come from the Committee on Printing. I assented to it as I did to almost everything else, in the hope that I could get something through, but I failed of that.

Mr. MORRILL, of Maine. The committee understand that this has this scope and limitation: The Departments are authorized to print their own reports and such reports connected with them as become necessary for their illustration. The only limitation is that they shall not print expensive maps and illustrations.

Mr. ANTHONY. That I agree to.

Mr. MORRILL, of Maine. It is pretty much the same thing now properly. All the rest of it is an abuse. This is rather a stricture of the law as it ought to be and as we understand it is. Certainly we never intended that there should be that latitudinarian construction as to the printing of public documents which has prevailed in the Departments. It is aimed not at the heads of Departments, but at the Bureaus. The great difficulty has been that Bureaus, with a very laudable ambition doubtless in their very extensive pride of enterprise, to say the least of it, have indulged in the manufacture of books which have been very expensive, running the cost of our public printing up to over \$3,000,000. It is aimed exactly at that practice. I do not think it goes one inch beyond that; nor do I believe the heads of Departments will suffer the slightest inconvenience by this. We had not the slightest disposition to restrict or curtail them. If it should be found to be so, it will be a very easy thing to correct it hereafter. I rather think that my friend will find it consistent with his duty, on the whole, to allow the amendment to go.

Mr. ANTHONY. I think the abuse has been corrected. It has been corrected in this bill, and very properly. The abuse has practically ceased, I think; but certainly this amendment restricts the heads of Departments from printing documents prepared in their own Departments.

Mr. SARGENT. Allow me to ask a question. What is the office the Senator performs so ably as chairman of the Committee on Printing? He is continually passing upon these departmental reports, the reports of the Light-house Board, the reports of the Hayden expedition, &c. All these are subordinate to the Departments. We require them to come to Congress to print the first copy. All this amendment reaches is that.

Mr. ANTHONY. And I gave notice yesterday, which I hoped might reach the heads of Departments, that under the disposition of the Senate to refuse the publication of such documents we should expect that the Executive Departments would make their estimates in their appropriations for printing, and confine themselves within them.

Mr. SARGENT. When they do that it is all right; but this does not trench on that. I suggest to my friend that this amendment does not change the law except that it cuts off certain fancy printing, which we think ought to come under the supervision of Congress so as to give the Senator more to do.

Mr. ANTHONY. In the Treasury Department there are prepared statements of statistics. Can they be printed with this restriction, "except in such limited numbers as may be necessary for the use of Congress?"

Mr. SARGENT. How are they printed now?

Mr. ANTHONY. They are printed now by authority of law, which I think this repeals.

Mr. MORRILL, of Maine. This does not repeal anything.

Mr. SARGENT. It simply refers to the immediate reports of the Departments and the Bureaus to the Departments.

Mr. ANTHONY. I know during the war there grew up very great abuses in printing. Four or five of the Departments, and I do not know but some of the Bureaus, had little printing offices, and I do not know but that some of them had places where they did engraving and lithographing. But all that has been cut off by an act of Congress, and very properly.

Mr. SARGENT. This simply refers to the regular reports of the Departments and the reports of the subordinate Bureaus in the Departments.

Mr. ANTHONY. Well, sir, I yield to authority and not to conviction.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. MORRILL, of Maine. I move that during the consideration of this bill the rule limiting debate to five minutes on any one question shall apply.

The motion was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was after line 44 to insert the following:

For the expenses of compiling and preparing the Congressional Directory, \$1,200; which shall be expended under the direction of the Joint Committee on Public Printing, and the committee shall appoint some suitable person to superintend the same, and shall pay him out of this appropriation such compensation or additional compensation as they may deem proper.

The amendment was agreed to.

The next amendment was after line 69 to insert the following:

For establishing new life-saving stations on the sea and lake coasts of the United States, as authorized by law of the present Congress, \$342,304.44.

The amendment was agreed to.

The next amendment was after line 112 to insert the following:

For the purchase of an engine and machinery, and for the erection and expenses incident to its operation, for the maceration of national bank notes, United States notes, and other obligations of the United States authorized to be destroyed, \$10,000; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections 24 and 43 of the national currency act as requires national bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issues shall be disposed of only under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in line 188 to reduce the appropriation "for continuing the collection of statistics of mines and mining to be laid before Congress, to be expended under the direction of the Secretary of the Treasury," from "\$15,000" to "\$10,000."

The amendment was agreed to.

The next amendment was after the word "Hayden," in line 206, to insert "to continue the work westward toward the Green and Colorado Rivers, \$75,000;" after "Powell," in line 208, to insert "in Utah, \$15,000;" and in line 211 to strike out "\$90,000;" so that the clause will read:

For the continuation of the geological and geographical surveys of the Territories of the United States by F. V. Hayden, to continue the work westward toward the Green and Colorado Rivers, \$75,000; and J. W. Powell, in Utah, \$15,000, under the direction of the Secretary of the Interior, during the fiscal year ending June 30, 1875.

The amendment was agreed to.

Mr. SARGENT. Instead of striking out "\$90,000," below, it would be better to say "in all \$90,000." I suggest that that leaves it better, because the \$90,000 is a footing.

The PRESIDING OFFICER. If there be no objection that modification will be made. The Chair hears none.

The Secretary continued the reading of the bill.

Mr. SARGENT. On line 242 I ask leave to change the word "this" to "the," a verbal alteration; so as to read:

To enable the Clerk of the House to pay to the widow of David B. Mellish, late a member of the House, &c.

The PRESIDING OFFICER. That amendment will be made if there be no objection.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 254, 255, and 256 to strike out:

And for amount already expended by the Sergeant-at-Arms for postage-stamps, \$250.

The amendment was agreed to.

The next amendment was to insert after line 303 the following:

For the erection of an equestrian statue of Nathanael Greene, in conformity with a resolution of Congress passed August 8, 1786, \$40,000; and one member of each House of Congress, to be appointed by the presiding officer of each House, respectively, and George Washington Greene, of Rhode Island, be, and they are thereby, appointed a commission to contract for the same.

The amendment was agreed to.

The next amendment was after line 311 to insert:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, \$10,000.

Mr. HOWE. I should like to have "15" inserted in the amendment instead of "10."

Mr. MORRILL, of Maine. I think there is no objection to that.

The PRESIDING OFFICER. That change will be made if there be no objection.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was after line 314 to insert the following:

To enable the Librarian of Congress to employ two assistants, in connection with the work of the copyright department, and in preparing a complete index of subjects to the documents and debates of Congress, at \$1,600 each, \$3,200. And the Librarian is hereby charged with the work of preparing such an index, under the supervision of the Joint Committee on the Library; and he is hereby authorized and required to complete the two sets of congressional documents required by existing laws to be deposited in the Library of Congress, and which were partially destroyed by fire; and to this end he may make requisition upon the Secretary of the Interior, in charge of the reserve of public documents; and such volumes as cannot be supplied by the Interior Department may be transferred to the Library of Congress from the documents in charge of the Secretary of the Senate and of the Clerk of the House of Representatives, the Librarian of Congress giving a receipt therefor.

The amendment was agreed to.

The next amendment was after line 332 to insert:

For necessary repairs of the telegraph line connecting the Capitol and the Executive Departments, \$1,000.

The amendment was agreed to.

The next amendment was after line 335 to insert:

To enable the Secretary of the Treasury to pay D. L. Phillips, late United States marshal of Illinois, for counsel fees and expenses incurred in executing the *habeas corpus* act, the accounts of which have been passed by the proper accounting officers of the Treasury, \$476.53.

The amendment was agreed to.

The next amendment was after line 341 to insert:

For salary of stenographer to the Secretary of the Treasury, \$2,400.

The amendment was agreed to.

The next amendment was after line 343 to insert:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 30, 1874, \$20,000, or so much thereof as may be required, for the payment of salaries of clerks, messengers, and laborers to do the necessary work of that office, may be used for the purpose aforesaid, in the fiscal year ending with June 30, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employees.

The amendment was agreed to.

The next amendment was after line 354 to insert the following:

To enable the Secretary of the Treasury to collect, procure, preserve, and arrange for use all vouchers, papers, records, and evidence, and to take testimony as to claims against the United States, to be paid only upon the certificate of the commissioners of claims, the sum of \$20,000 of the unexpended balance of the appropriation made by act of March 3, 1873, is hereby reappropriated.

The amendment was agreed to.

The next amendment was after line 362 to insert the following:

To enable the Secretary of the Treasury to pay the proprietors of the New York Tribune for advertising in said journal, the sum of \$830.10, or so much thereof as may be necessary, to be paid upon the audit of the proper accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was after line 368 to insert:

For payment of the expense of editing the revised statutes, preparing the same for publication, and distributing the same, and for editing the annual statutes, under the direction of the Secretary of State, \$20,000, or so much thereof as shall be necessary.

The amendment was agreed to.

The next amendment was after line 373 to insert:

To enable the Secretary of the Navy to complete the observations of the transit of Venus, in December, 1874, and to return the parties of observation to the United States, \$25,000, to be expended as provided by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1873.

The amendment was agreed to.

The next amendment was after line 381 to insert:

For collecting information respecting the condition and importance of the fur trade in the Territory of Alaska, as provided by act of April 23, 1874, \$10,000, for the fiscal years 1874 and 1875, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was after line 388 to insert the following:

For the District of Columbia, the sum of \$1,300,000, to be expended by the commissioners of said District, and applied as follows: First, to the payment of interest on the funded debt of said District due July 1, 1874; secondly, to the payment of officers, employés, and laborers of the District, whether of the District proper or of the board of public works; and the remainder to the current expenses of said District; all the above sums, except so much thereof as may be paid for interest, as aforesaid, to be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

Mr. ALLISON. In line 396, after the words "public works," I move to insert "thirdly, to the payment of any indebtedness for which the securities of the District are pledged."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was after line 401 to insert the following:

For the payment of M. A. Clancy, for services as stenographer in taking testimony in the matter of the impeachment of Richard Busteed, district judge of the district of Alabama, the sum of \$525.

Mr. BOUTWELL. I move to amend that amendment by adding the following, which is an amendment of which I gave notice yesterday:

For the payment of C. H. Evans, for services under the direction of the Committee on Ways and Means of the Forty-second Congress, \$500.

Mr. SARGENT. That should be reserved until we get through with the committee's amendments.

Mr. BOUTWELL. O, do not object. I shall not be able to remain here.

Mr. SARGENT. Very well; I make no objection.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 406 the following:

For expenses of the Joint Select Committee to inquire into the Affairs of the District of Columbia the sum of \$6,000, or so much thereof as may be necessary.

Mr. ALLISON. I move after the word "necessary" to insert "to be available immediately."

Mr. SARGENT. There is no objection to that.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was continued.



The next amendment of the Committee on Appropriations was to insert after line 409 the following:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay for supplies furnished the Yankton Sioux Indians during the winter of 1866 and 1867, to prevent absolute starvation among said Indians, \$11,329.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 416:

The sum of \$32,220 is hereby appropriated to defray the expenses of the board of health of the District of Columbia for sanitary purposes for the fiscal year ending July 1, 1875; and the commissioners of the District of Columbia be, and they are hereby, directed to appropriate the same amount, namely, \$32,220, from the funds of the District of Columbia not otherwise appropriated, for the same purpose.

The amendment was agreed to.

Mr. SARGENT. I am directed by the Committee on Appropriations to offer the following amendment, to come in at this point:

That the sum of \$1,000 is hereby appropriated for the salary of the Government telegraph operators at the Capitol during the recess of Congress, \$500 of the same to be paid by the Secretary of the Senate, and \$500 to be paid by the Clerk of the House of Representatives for the salary of the operator of the House.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert after line 471:

For the purchase for an Indian agency station, the six hundred and forty acres of land situated on Lapwai Creek and Clearwater River, Idaho Territory, heretofore granted to the American Board of Commissioners for Foreign Missions, \$15,000: *Provided*, That no part of this sum shall be paid until a perfect title to the said land shall be made to the United States by a warranty deed, to be approved by the Attorney-General.

Mr. ROBERTSON. I should like to hear some explanation about that.

Mr. SARGENT. The condition of things is just this: Years ago under a general law the American board of commissioners were granted this piece of land by the United States Government. They had possession of it for years and sold it. Since that time, and when this fact was not much considered or was overlooked, the United States built agency buildings worth from one to two hundred thousand dollars upon this very piece of land, and now have the buildings while the title to the land is recognized by the courts to be in the person who bought from the American board of commissioners for missions. The Government, then, is in the condition of losing from one to two hundred thousand dollars' worth of property, which it is now using and needs, or of buying the title so as to get a good title, and we thought it economical to do the latter.

Mr. ROBERTSON. Does the Senator know that \$50,000 will be enough to obtain the title?

Mr. SARGENT. The Interior Department think it will, and we think it will.

Mr. ROBERTSON. But I would not like to spend this money and then not get a title.

Mr. SARGENT. The condition of the appropriation is that a good title shall be given to the United States. If the money will not secure the title it will not be spent.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

Mr. SARGENT. On page 21, line 507, the word "forty" should be "eighty." I move the amendment by order of the committee. That increases the appropriation for surveying the public lands in Nebraska from \$40,000 to \$80,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 529 to increase the appropriation for surveying the public lands in Idaho Territory from \$20,000 to \$30,000.

The amendment was agreed to.

The next amendment was in line 533 to increase the appropriation for surveying the public lands in New Mexico Territory from \$20,000 to \$30,000.

The amendment was agreed to.

The next amendment was in line 755 to increase the appropriation for surveying the public lands in Oregon from \$40,000 to \$60,000.

The amendment was agreed to.

The next amendment was in line 563 to increase the appropriation for surveying the public lands in Washington Territory from \$40,000 to \$60,000.

The amendment was agreed to.

The next amendment was after line 615 to insert the following clause: For lathing and plastering the under surface of the roof above the ceiling of the Senate Chamber, \$4,000.

The amendment was agreed to.

The next amendment was after line 618 to insert:

For a new steam pump to supply the tanks located in the attic of the Senate wing of the Capitol, \$800.

The amendment was agreed to.

The next amendment was after line 621 to insert:

For replacing the defective portion of the roof on the Capitol, near the dome, by a copper roofing of fire-proof construction, and for erecting fire-walls, \$15,000: *Provided*, That the old materials shall be remanufactured and used in the repairs of the Capitol.

The amendment was agreed to.

The next amendment was after line 626 to insert the following:

For a commission consisting of Fred. Law Olmsted, of New York; William Hammond Hall, of San Francisco; and H. W. S. Cleveland, of Chicago, to consider and report to Congress, at its next session, by what economical measures the greatest public value may be given to the connected series of Government grounds, including those of the Capitol and those of the Executive Mansion, the sum of \$1,500.

The amendment was agreed to.

The next amendment was after line 634 to insert:

For improvement of Capitol grounds, according to the plans and under the general direction of Fred. Law Olmsted, to be expended by the architect of the Capitol, \$200,000.

Mr. SHERMAN. It seems to me there ought to be some limit inserted here providing that the whole expenditure contemplated by the plan proposed shall not exceed the sum of \$200,000, so far as the grounds are concerned. We know very well that a distinguished person like Mr. Olmsted may lay out a plan that may cost many times this. He may provide for fountains and all sorts of ornaments. It seems to me there ought to be some limit. I will ask the Senator from Vermont if \$200,000 is intended to cover the whole improvement of the Capitol grounds, or is it a mere entering-wedge?

Mr. MORRILL, of Vermont. I do not desire to take up much time in explanation of this amendment. The House have proposed \$125,000, as will be seen by the next clause, and the Committee on Public Buildings and Grounds of the Senate thought that would be insufficient, and perhaps we ought to have proposed \$250,000 instead of \$200,000. The Senator from Ohio need not be under any apprehension that there will be anything done with this \$200,000 so as to involve the Government in any very large expenditure, but it is obvious that there must be a considerable amount expended before the work can be completed; and if the Senate will be patient to listen to me five or ten minutes I will explain something of the plan of Mr. Olmsted.

It is that on the east side of the Capitol grounds the trees shall be thinned out so as to have open spaces or vistas, and leaving the two clumps of trees that now stand on either side of the Capitol mainly as they now stand. The surface of the ground here will scarcely need to be much reduced, and if reduced at all these trees can still be left mainly as they are. Then there will be considerable of an open space of oval shape on either side; and on the farther or eastern portion of the grounds the trees will have to be removed, because the grade of the ground will have to be reduced about six feet. Some of the trees can be saved and replanted. Then here in the front the idea of Mr. Olmsted is that the present platform or terrace is too narrow to support the magnificent structure above it; that it has too much the appearance of a cheap fortification, and the base is too thin for the large building to stand upon. Mr. Olmsted, the landscape architect, proposes therefore to extend the terrace about twenty feet, and to support it by a granite wall surmounted by some slight decoration; and that in the end there shall be far more acceptable stairways on the east side than those we now have, something in better proportion to the magnificence of the building and equal to those that are on the west side. The central walk he proposes to obliterate, and the trees that are on that walk it will have been noticed are such kind of trees as ought to be removed. They are no longer ornamental. They are mainly poplars or cottonwood trees, that are a positive nuisance as they stand and shut out the whole view from the western front. The other two walks diverging right and left will be left to remain as they now are.

Mr. SHERMAN. I have great confidence in the good taste and love of economy of my friend from Vermont; but I want to know whether this \$200,000 covers the gross expenditure.

Mr. MORRILL, of Vermont. I do not expect it will. I am free to say that I think it will take considerably more. These stairways will cost I do not know how much, but not a dollar more will be expended than is absolutely necessary.

Mr. SHERMAN. The Senate ought to know from the proper committee, before authorizing this work to be commenced under Mr. Olmsted's plans, what is to be the cost of carrying out those plans. Those plans, I take it, are already prepared and announced.

Mr. MORRILL, of Vermont. I may say that it has been impossible in the short time since Mr. Olmsted has been authorized to make these plans, to have them completed in full.

Mr. HOWE. Allow me to make a suggestion to the Senator from Ohio. That Senator has entire confidence in the economical views of the Senator from Vermont as the Senate has.

Mr. SHERMAN. But I should like to cross-examine him a little on public buildings. That is rather a soft place with my friend from Vermont.

Mr. HOWE. I was about to inquire if the Senate would not be entirely content with this provision:

*Provided*, The chairman of the Committee on Public Buildings and Grounds is associated with Mr. Olmsted in the general direction of these improvements.

Mr. SHERMAN. That would be a very good suggestion.

Mr. HOWE. Then I move that amendment.

Mr. SHERMAN. I think it ought to be under the Committee on Public Buildings and Grounds of the two Houses, as a matter of course.

Mr. HOWE. A large body is not very desirable for such a purpose.

Mr. SHERMAN. I think it ought to be under some committee of Congress, so as not entirely to carry out the magnificent ideas of an architect, or a landscape gardener, who may be still more dangerous.

Mr. HOWE. I move to amend by adding after "Olmsted," in line 637, the words "and the Committee on Public Buildings and Grounds of the Senate."

Mr. MORRILL, of Vermont. Let me say to my friend from Wisconsin that I have no desire myself to occupy this position. I think it would not be acceptable to the House to have the chairman of one of our committees placed in this position, or to have a committee of the Senate alone, and therefore I think it had better be omitted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin to the amendment of the committee, which will be read.

The CHIEF CLERK. It is proposed to insert after "Olmsted," in line 637, the words "and the Committee on Public Buildings and Grounds of the Senate."

Mr. MORRILL, of Vermont. I hope the Senate will not agree to that, for the reason that it might detain the Committee on Public Buildings and Grounds here during the coming summer. If it was merely for us to come here once or twice we might be able to do that; but I think the Senator from Wisconsin had better select somebody else than put my name in there or that of our committee. I am quite satisfied that the House will not consent to have a committee of the Senate named alone.

Mr. MORRILL, of Maine. Let us go on and we can settle this in the Senate.

Mr. HOWE. Let it go now and we will consider it in the Senate. ["Agreed."]

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 639 to 642 the following clause:

For improving the Capitol grounds, for coping and flagging the foot-walks around the same, and for paving the roadway at the eastern front, \$125,000.

The amendment was agreed to.

The next amendment was in line 647 to insert the words "and stable" after "engine-house," and in line 649 to strike out "10" and insert "15;" so as to make the clause read:

For the purpose of erecting on Capitol Hill, near the Capitol building, a suitable engine-house and stable to supply the place of engine-house No. 3, recently ordered removed by Congress, \$15,000.

The amendment was agreed to.

The next amendment was to strike out the following clause, beginning in line 650:

For preservation and repairs of the United States court-house in Washington City, formerly known as the City-hall building, \$3,000.

And in lieu thereof to insert:

For extending court-house (old City-hall) in the city of Washington, in accordance with plans of the architect of the Capitol, to be approved by the Secretary of the Interior, for the accommodation of the District courts, Court of Claims, and the Pension Office, and for making the necessary repairs to the old building, \$150,000.

Mr. HOWE. I wish that might be amended so as to provide either for extending the present building or constructing a new building, as the architect shall think best. My reason is that the plan of the present building is one which it seems to me ought not to be extended. There must be a great deal of additional room provided sooner or later; and it seems to me that instead of trying to extend the present building, it might be thought better to devise a new building. The present building is not worth much; the material to put into a new building it seems to me is worth as much as the present building. If the chairman of the Committee on Public Buildings and Grounds will be content with the amendment I have suggested I should prefer it.

Mr. MORRILL, of Vermont. We have already paid \$75,000 for one-half of this building. I think that the plan suggested by the architect of the Capitol extension is a very valuable plan; that it will give us about three times the amount of room we now have, and when the building is up it will be a very handsome looking building. It is proposed to extend it so as to reach to E street and have a frontage on three sides. That will certainly not make a bad appearance, (exhibiting the plan.) There is a pressing necessity for more room in this Capitol for committees in both branches. We are compelled to put two committees into one room to a very considerable extent. The Court of Claims occupy valuable space that might be converted into several committee-rooms. There is also a necessity for some room for the Commissioner of Pensions, all of whose papers are now in what is called the Seaton House, very liable to fire; and the loss would be immense if the papers were destroyed. This building can be extended so as to give the courts of the District, the Court of Claims, and the Pension Bureau ample room at a very small expense.

Mr. SARGENT. For the appropriation here?

Mr. MORRILL, of Vermont. We only propose to expend a portion this season.

Mr. HOWE. I do not object to the appropriation at all; I only ask the Senator to consent to an amendment which will leave to the architect the alternative either of extending this building or building on a new plan, as shall be thought best after due consultation.

Mr. MORRILL, of Vermont. I have no objection to that.

Mr. SARGENT. I object; I suggest that we shall find a building that will cost \$6,000,000 before we get through if we do that. How much does it take to build a public building from the ground up in this city? One hundred and fifty thousand dollars will put this building into shape.

Mr. MORRILL, of Vermont. No. When the building is entirely completed it will cost \$239,000.

Mr. SARGENT. All right. Now, to start from the ground up and taking down this building will cost us \$6,000,000.

Mr. HOWE. It would cost necessarily no more if you accept the amendment that I propose. It leaves an alternative to the architect. No one here knows whether he can enlarge this building cheaper than he can build a new one or not.

Mr. MORRILL, of Vermont. Of course he can enlarge this cheaper than construct a new building. There cannot be any doubt about that. I think the clause had better go as it is, because the plans are already made out.

Mr. HOWE. I withdraw my amendment until we get into the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment to come in at this point:

To secure the foundation walls and fit up rooms in the basement of the General Post-Office building, \$100,000, or so much thereof as may be necessary.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert after line 685 the following clause:

To pay the indebtedness incurred and now due, and to pay in part the expenses of the Reform School of the District of Columbia for the fiscal year ending June 30, 1875, it being for food and clothing of the boys in said school, the sum of \$15,000; to be deducted from any money hereafter appropriated for the District of Columbia.

The amendment was agreed to.

The next amendment was after line 733 to insert:

For continuing the work on the erection and fitting up the buildings of the institution in accordance with plans heretofore submitted to Congress, \$29,000.

The amendment was agreed to.

The next amendment was after line 761 to insert:

For the Women's Christian Association of the District of Columbia, \$25,000; to be expended for the sole purpose of erecting a building on the ground owned by said association in said District, upon and in strict conformity with a plan for said building, which shall be prepared by the architect of the Capitol extension; and it shall not, for building and furnishing, exceed the said sum of \$25,000; and no money shall be paid under this appropriation until the Secretary of the Treasury shall be satisfied that a contract, with good security for its execution, has been entered into for the erection and furnishing of said building, at a sum not exceeding the amount hereby appropriated; and all payments for the erection and furnishing of said building shall be made by the Secretary of the Treasury directly upon vouchers to be approved by him: *Provided*, (and this appropriation is upon the express condition,) that none of the money hereby appropriated shall be paid by the Secretary of the Treasury until said association shall file, with the recorder of deeds in the District of Columbia, a declaration, executed and acknowledged in the manner in which deeds are required by law to be executed for record in the District of Columbia, that said building, and the lands on which it is erected, forever shall be held in trust by said association, without mortgage or security in the nature of mortgage, for the sole purposes of said association, as defined in its charter of date of December 13, 1870; and the filing of said declaration shall be regarded as notice to all persons who shall purchase said property or take any security thereon.

The amendment was agreed to.

The next amendment was after line 792 to insert:

For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, \$25,000.

The amendment was agreed to.

The next amendment was after line 843 to insert the following:

For building a steamer for the Coast Survey, for use on the Gulf coast, \$76,000.

Mr. HOWE. I want to ask the Senator in charge of the bill if there are not plenty of unused vessels in the Navy that could be had?

Mr. SARGENT. No; not for this purpose. It requires a strong, light-draught steamer to survey the shoals there—a steamer strong enough to stand any storm if it happens to be caught in one, and light enough to take refuge in the shallow and narrow inlets.

The amendment was agreed to.

The next amendment was to strike out lines 888, 889, and 890, in the following words:

To pay commissions allowed by law to collectors of customs acting as superintendents of lights, \$2,000.

The amendment was agreed to.

The next amendment was after line 898 to insert:

For re-establishing the light-house at Indian Island, at Rockport Harbor, Maine, \$9,000.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

Mr. SARGENT. On page 39 I ask leave to change the name "Navesink" to "Neversink," in the two places where it occurs. According to Lippincott's Gazetteer "Neversink" is the proper spelling.

The PRESIDING OFFICER. If there is no objection that correction will be made.

The next amendment of the Committee on Appropriations was on page 39 to strike out from lines 940 to 951, inclusive, in the following words:

*Provided*, That whenever it may become necessary, in the adjustment of boundary lines or in the opening or changing of necessary roadways affecting lands belonging to the United States and used for the purposes of the light-house establishments at Staten Island, New York, and at the Highlands of Neversink, New Jersey, or any part thereof, the Secretary of the Treasury is hereby authorized to ex-



acute for such purposes touching the property above referred to, or any part thereof, the necessary conveyances and assurances, and to receive, in consideration therefor, such other conveyances or assurances of adjoining lands, or of lands in the immediate vicinity, or other consideration, as may be agreed upon.

The amendment was agreed to.

The next amendment was to strike out lines 955 to 960, inclusive, in the following words:

And the Secretary of the Treasury is authorized to place a fog-bell (to be rung during the prevalence of a fog) at such points at or near the entrance to the harbor of New York as may be designated by the proper officers; the expenses thereof to be paid out of any unappropriated money in the Treasury.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

Mr. SARGENT. In line 971 I move to strike out "approved" and insert the word "made," so as to read "the balance of appropriation made June 10, 1872."

The PRESIDING OFFICER. That correction will be made if there be no objection.

The Chief Clerk resumed the reading of the bill.

The next amendment was of the Committee on Appropriations after line 1010 to insert:

For building a light-house at or near Solomon's Lump, in Kedges Strait, between Tangier Sound and Chesapeake Bay, \$15,000: *Provided*, That the light-house at Fog Point be discontinued after the completion of the above.

The amendment was agreed to.

The next amendment was in line 1048 to strike out the word "Virginia" and insert "or Port Tobacco flats, in the discretion of the Department;" so as to read:

For light-house and day-beacon at or in the vicinity of Mathias Point, or Port Tobacco flats, in the discretion of the Department, \$40,000.

Mr. SARGENT. That should be "in the discretion of the Light-house Board."

The PRESIDING OFFICER. The amendment will be so modified if there be no objection.

The amendment, as modified, was agreed to.

Mr. SARGENT. The Committee on Appropriations have instructed me to move to strike out from line 1075 to the end of the paragraph the clause extending the jurisdiction of the Light-house Board over the Mississippi, Missouri, and Ohio Rivers.

The Chief Clerk read the words proposed to be stricken out, as follows:

That the jurisdiction of the Light-house Board, created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," approved August 31, 1852, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. BOGY. I hope that amendment will not be adopted, and I will state the reason why. It will be seen by reading the paragraph that it is an appropriation of \$50,000 for the erection of light-houses on the Mississippi, Ohio, and Missouri Rivers, and to make that available it is proper that the work be put under the control of the Light-house Board. If we are to build light-houses on the Mississippi River where they are necessary and where they have been petitioned for by a large number of people in the West, they should be under the control of the Light-house Board. I will state furthermore that two bills have passed the House this winter on this very subject. It is a matter which is very much desired in the West, and I believe it to be very important. The appropriation is small, and it will be seen it is for a survey of these rivers, and if it is deemed proper that these light-houses should be established in the West, they should be placed under the control of the Light-house Board. I hope the amendment will not be adopted.

Mr. HAMLIN. I should like to know of the committee who reported the bill why this language is not wise, well, and proper. If buoys are to be placed in the rivers, if light-houses are to be erected upon their banks, if any of those works which come appropriately within the jurisdiction of the Light-house Board are to be erected, why should they not, and why is it not better that they should have jurisdiction there as they have it elsewhere? The Light-house Board has systematized its methods of business. They have their rules which apply, I believe, as near as may be equally to all sections, and they understand precisely what is appropriate in one case as well as in another. I cannot see any objection to this clause, and it seems to me that it is much wiser and much better that the whole thing should be under one jurisdiction, and then it will be better cared for. I should like to know what reason there is for striking out the clause.

Mr. SARGENT. The Senator from Kentucky [Mr. STEVENSON] has the matter in charge, and I desire him to explain it.

Mr. HAMLIN. I should like to hear what he has to say.

Mr. STEVENSON. I live on the Ohio River, and I have lived on the Mississippi. If there is any necessity for a light-house, I am not aware of it. I am for economizing as far as I can, and yet willing to appropriate any money that is deemed necessary. I have never been convinced that light-houses were necessary either on the Mississippi or the Ohio River. On the contrary my experience is exactly the reverse. I remember, many years ago, that a light-house was erected

at Natchez. It was put there at considerable cost, and during my residence in Mississippi and my frequent visits to New Orleans it was always spoken of as "the folly" both of the man who planned it and of the Government who put it there, as being wholly and entirely unnecessary. That is my experience. I have never seen one that was necessary. I have never heard any demand for one. As for the surveys, they may be very necessary, and I should have no objection to the establishment of buoys; but as to light-houses, I think they will be entirely unnecessary on these rivers, so far as I know or believe.

Mr. HAMLIN. Let me ask my friend if this clause makes any provision for light-houses? None whatever. It refers to a bill which does, and in that bill light-boats, buoys, &c., are designated. I ask the Senator, who knows very much better than I do, if there are no buoys, if there are no monuments in any of the rivers of the West to mark the shoals and all the dangerous places? Upon the little rivers which we have and over which the Light-house Board has entire control we have buoys, we have signals, and we have a variety of methods of designating sunken rocks, shoals, and quicksand, and they are all under the Light-house Board. I had supposed that some such thing might be necessary upon these rivers. I do not think this clause suggests the idea of building light-houses.

Mr. STEVENSON. Mr. President, I am not a theorist. I have, however, some practical knowledge on this subject. I have lived for thirty-odd years uninterruptedly on the Ohio. Any gentleman who is acquainted with that river knows that it is continually shifting its bars, and if you were to put a buoy there this year you would probably have to change it next year. I am unwilling to put these rivers under the Light-house Board. I am unwilling that they should have jurisdiction over subjects which it does not seem to me come within the purview of their organization as a board.

Now, in regard to light-houses, I am always willing, wherever they are necessary, to erect them; but I have already stated I do not think they are necessary here. In regard to buoys and things of that sort, let them be established by the river commissioners, those under whose charge the Mississippi River is, and not give to this Light-house Board the jurisdiction of these rivers, which they do not understand and are not half as familiar with as the western people, whose business it is to navigate them. The Government has already officers connected with these rivers. I am very unwilling to extend the jurisdiction of the Light-house Board to these rivers; but I have no feeling about it at all.

Mr. BOGY. I will state that this provision is perhaps the work of the delegation from Missouri; in fact I know that it is so; and it was brought about by the solicitation of the boatmen on the Mississippi. I do not know anything about the Ohio. I know this is very much desired by the boatmen on the Mississippi; I know it is very much desired by the exchange of the city of Saint Louis, and I hold in my hand a pamphlet containing all the information on this subject in regard to the importance of light-houses and buoys, and requesting the whole to be placed under the control of this Light-house Board; and I can say from having conversed with some of the leading boatmen of the West in the city of Washington this winter, that they are very anxious for this thing. I believe myself it is an absolute necessity. If there are to be light-houses in the West they certainly ought to be under some control, and I can myself imagine no objection to placing them under the control of the Light-house Board. I think it is the proper place, because it is a board especially for this purpose. I do hope that this paragraph will be permitted to remain as it is and not be altered at all. I know this appropriation is desired in the West and on the Mississippi River.

Mr. STEVENSON. Of course I do not desire to antagonize with the Senator from Missouri; but I am astonished that he should declare his belief that light-houses are necessary on those rivers, when we have been here for eighty or ninety years without one proposition ever having been made, so far as I know or believe, for one. He knows as well as I do that the only one that was erected on the Mississippi River was regarded as a consummate folly. I see around me gentlemen older than myself who are acquainted with that country, and who no doubt have seen that light-house, as I have. It was permitted to tumble into the river. It was not used for years before it did tumble in. The Senator has seen, I have no doubt, oftener than I have, the light-house at Natchez known as "The Folly." That was the name given to it by the people. If we are to go into this business of putting light-houses on the river, and I want the Ohio and Mississippi to have everything that is necessary for their improvement, I should like the Light-house Board itself to make some recommendations.

Mr. BOGY. This is for a survey of the Mississippi, and then when by the survey the light-houses are found to be necessary they are to be placed under the control of the Light-house Board.

Mr. SARGENT. They are required to be divided by districts now. The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. BOGY. Let us understand the question. This is the provision of the bill as it comes from the House without amendment.

The PRESIDING OFFICER. The Chair understands the committee move to strike out.

Mr. SARGENT. Exactly. I made the motion myself on behalf of the committee.

The PRESIDING OFFICER. The motion is to strike out. The Secretary will report the amendment as proposed by the committee.

The Chief Clerk read the amendment.

The question being put, a division was called for; and there were—ayes 19, noes 14; no quorum voting.

Mr. ANTHONY. There is a quorum present.

Mr. EDMUNDS. Let us have another division. I hope the amendment will be agreed to, as it is recommended by the committee.

Mr. SARGENT. Yes, sir; the committee have recommended it.

The PRESIDING OFFICER. The Chair understands the committee has recommended the amendment.

Mr. BOGY. I call for the yeas and nays.

Mr. SARGENT. It can be reserved in the Senate.

Mr. BOGY. We may as well vote upon it now as then.

The PRESIDING OFFICER. Does the Senator insist on the call?

Mr. BOGY. I will not insist on it.

The question being again put, the amendment was agreed to; there being on a division—ayes 22, noes 16.

Mr. BOGY. I give notice that I shall reserve this amendment in the Senate.

Mr. JOHNSTON. The word "Virginia" has been omitted in line 1115 after the words "York River." It is an accidental omission I suppose.

Mr. SARGENT. There is no necessity for the insertion of the word "Virginia" after the word "River."

Mr. JOHNSTON. I prefer to have it put in.

The PRESIDING OFFICER. The amendment will be made if there be no objection. The Chair hears no objection.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out the following proviso to the appropriation for the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan, in line 1118:

*Provided*, That all tolls on vessels entering or leaving the river shall be abolished after the light-house is completed.

The amendment was agreed to.

The next amendment was in line 1133, before the words "fog-signal" insert "light-house and;" so as to read:

For a light-house and fog-signal on Yerba Buena Island, in the Bay of San Francisco, California, \$10,000.

The amendment was agreed to.

The next amendment was to insert at the end of the clause making available the unexpended balance of the appropriation for a first-class light-house and fog-signal at Piedras Blancas, California, the following words:

And the balance of the appropriation made by the act of June 10, 1872, for the construction of a light-house and fog-signal at Point Fermin light-station, remaining unexpended, is hereby reappropriated.

The amendment was agreed to.

The next amendment was to insert after line 1143 the following clause:

To enable the Light-house Board to continue its experiments in relation to fog-bells or other signals for the protection of the commercial marine, \$5,000.

The amendment was agreed to.

Mr. MORRILL, of Maine. I move to amend by inserting after line 1146 the following:

For building a relief light-ship for general service, in addition to the amount heretofore appropriated, \$15,000, or so much thereof as may be necessary.

There was a small sum appropriated, twenty-five or thirty thousand dollars, last year, and it is found on opening the bids that this sum in addition is necessary.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out the following clause from line 1197 to line 1200:

To enable the Secretary of War to provide for constructing a military bridge across the North Platte River, at or near Fort Laramie, Wyoming Territory, \$15,000.

Mr. SARGENT. The committee withdraw that amendment so that that clause shall stand as part of the text.

The PRESIDING OFFICER. If there be no objection, the amendment will be regarded as disagreed to, so that the clause remains in the bill.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was after line 1232 to insert the following proviso:

*Provided*, That the Secretary of War is authorized to employ not exceeding thirteen enlisted men for one year in the Ordnance Bureau.

The amendment was agreed to.

The next amendment was after line 1243 to insert the following:

For continuing experiments with the Moffatt system of breech-loading cannon, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The amendment was agreed to.

The next amendment was after line 1247 to insert:

For the purpose of testing Mr. Lee's breech-loading gun, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read the clause making appropriations for the Signal Office.

Mr. OGLESBY. I should like to inquire of the chairman of the Committee on Printing what is meant by "maps" and "bulletins" and how they are printed. I ask the question because I hear it said that while the Bureaus are complaining of a want of accommodations they are putting up printing-presses and crowding in printers, engravers, &c.

Mr. ANTHONY. I think not. There was, as I stated in speaking upon an amendment in the early part of this bill, a time when in nearly all the Departments there were little printing offices. I do not think there was any engraving; but there may have been. They were all abolished after the war by an act of Congress, as they should have been. There is in the Signal Office a little lithographic press for printing the daily reports, the little weather maps that are sent around. That work must necessarily be done in the Signal Office because the maps are altered three times a day, and it would be almost impossible to have that work done properly out of the office. But the general maps and bulletins that they publish are done at private establishments where they ought to be done, and where of course they can be done better than they can at the Government establishment. Undoubtedly work of that kind costs more at a Government establishment than anywhere else. Some of that work must be done there; but that I think does not come under this clause.

Mr. SARGENT. I offer an amendment to come in after line 1298:

For this amount, or so much thereof as may be necessary, for the erection of winter quarters for troops stationed near the Red Cloud and Whetstone Indian agencies, \$30,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert at the end of the clause making appropriations for the support of Freedmen's Hospital and Asylum at Washington, District of Columbia, the following proviso:

*Provided*, That after June 30, 1874, the Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior, who shall make all estimates and pass all accounts, and shall be accountable to the Treasury of the United States for all expenditures; and all property, including hospital and quartermaster's stores, belonging to said hospital, and now in charge of the War Department, be also transferred to the Interior Department.

The amendment was agreed to.

The next amendment was to insert after line 1314 the following clause:

For the National Association for the Relief of the Colored Women and Children of the District of Columbia, \$10,000.

The amendment was agreed to.

The next amendment was in line 1332 to strike out after the words "distributed as" the word "heretofore," in line 1333 before the word "sixty" to insert the words "Congress may hereafter direct," and in line 1335 after the words "edition of" to strike out the word "five" and insert "ten;" so as to read:

For continuing the publication of the Medical and Surgical History of the War, to be distributed as Congress may hereafter direct, \$60,000; to be used in the preparation of illustrations for a new edition of ten thousand copies of entire work; *Provided*, That the necessary engraving and lithographing for those publications may be executed under the directions of the Secretary of War, without advertisement.

The amendment was agreed to.

Mr. OGLESBY. What is meant by "ten thousand copies of entire work?" Do the committee mean to republish the two volumes already published? Two volumes of this work have been published. Do I understand the committee to provide for ten thousand additional copies of those volumes?

Mr. SARGENT. Yes; we intend to print those. There is an enormous demand for this book from the Senator's own State, certainly from mine, and every other State.

Mr. OGLESBY. And the object is to reprint those volumes?

Mr. SARGENT. The object is to make a complete edition from the beginning to the end. It is too valuable a book to be printed in the limited amount which we have provided for. It costs too much in proportion to the number we have to give out.

Mr. OGLESBY. I ask the Senator from California if he can state what has been about the cost of each volume.

Mr. SARGENT. The cost of course has been large, because there are so few printed. The cost is in the illustrations and in getting up the book, and of course if a thousand copies of an expensive book are printed, each copy costs a great deal more in proportion than if twenty thousand copies were printed. I cannot tell the cost of each book, but I have no doubt about eighteen dollars.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 1338 the following clause:

For completing the medical statistics of the Provost-Marshal-General's Bureau, the unexpended balance of the appropriation made by the act of July 28, 1866, is hereby continued and made available. And the chief medical purveyor of the Army shall have the rank and pay of colonel.

Mr. SARGENT. After the word "pay" the words "and emoluments" should be inserted, and strike out the word "and" before it. The PRESIDENT *pro tempore*. The amendment will be so modified. The amendment, as modified, was agreed to.



The next amendment was to strike out lines 1362 to 1365, inclusive, in the following words:

For a resurvey of the Ausable River, Michigan, and establishing dock lines, not exceeding \$1,000, to be paid for from unexpended balance of appropriation heretofore made for the improvement of said river.

The amendment was agreed to.

The next amendment was after line 1381 to insert the following clause:

For improving the portion of Franklin Square on K street lately added to those grounds, and for grading and completing edges of walks, and for granite coping for fountain bowl, and planting trees, \$3,000.

The amendment was agreed to.

The next amendment was in lines 1387 and 1388 after the words "Lincoln Square" to strike out the words "or such reservation as the President may select;" so as to read:

For a pedestal for Ball's bronze statue of Lincoln, to be placed in Lincoln Square, \$3,000.

The amendment was agreed to.

Mr. SARGENT. In line 1454 "1,500" should be stricken out and "3,000" inserted; so as to make the appropriation, under the head of Washington aqueduct, for building dwelling and office at Great Falls, \$3,000.

The amendment was agreed to.

The next amendment was after line 1461 to insert the following:

For widening embankments along the line of the Washington aqueduct, \$5,000.

The amendment was agreed to.

The next amendment was to strike out lines 1465, 1466, and 1467, in the following words:

For bounty to seamen, to pay certificates issued to State of New Hampshire, \$739.50.

The amendment was agreed to.

The next amendment was, after line 1497, to insert as an additional proviso in the clause appropriating for repairs at the different navy-yards and preservation of the same the following clause:

*Provided further*, That the Secretary of the Navy be authorized to use, during the ensuing fiscal year, the balance of appropriation heretofore made to the Navy Department for the construction of a floating iron dock, remaining unexpended, for the purpose of completing the repairs on the double-turreted monitors Miantonomah, Puritan, Terror, and Monadnock: *Provided further*, That the period of retirement for naval constructors shall be at sixty-five instead of sixty-two years, as now provided.

The amendment was agreed to.

The next amendment was after line 1540, in the appropriation for custom-house and post-office building at Cincinnati, Ohio, to insert:

And the entire cost of said building, exclusive of cost of site, shall not exceed \$4,000,000.

Mr. SARGENT. By some mistake there is a transfer of amounts between Cincinnati and Philadelphia. In order that it may be corrected I move here to strike out "\$4,000,000" and insert "\$3,500,000," and I shall move a corresponding amendment when we reach the appropriation for the building at Philadelphia.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was in line 1548 to add the following proviso to the appropriation for custom-house, court-house, and post-office building at Evansville, Indiana:

*Provided*, That the restrictions as to the material of which said building shall be constructed are hereby removed.

The amendment was agreed to.

Mr. SARGENT. I offer the following amendment to come in after line 1550:

*And provided further*, That the restrictions as to the material of which the post-office building at Lincoln, Nebraska, shall be constructed are hereby removed.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to add after the word "dollars," in line 1553, the words "and the entire cost of such building, exclusive of cost of site, shall not exceed \$400,000;" so as to read:

Custom-house and post-office, Hartford, Connecticut: For continuation of building, \$150,000. And the entire cost of said building, exclusive of cost of site, shall not exceed \$400,000.

Mr. SARGENT. The city of Hartford gave the site; and the expression "exclusive of cost of site" is inadvertent, and for that reason I move to strike it out.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 1567 to strike out "\$50,000" and insert "\$98,868;" and in line 1569 to strike out "\$200,000" and insert "\$375,000;" in line 1571 to strike out "\$200,000" and insert "\$375,000;" in line 1573 to strike out "\$344,207.82" and insert "\$656,705.72;" so as to make the clause read:

Post-office and court-house at New York, New York: For completing building, \$794,207.82; for paving, grading, fencing, and sewerage, \$198,868; for heating and ventilation, hoisting apparatus, and machinery, \$236,000; for furniture, including fittings, fixtures, counters, and carpets, \$375,000; making in all the sum of \$1,656,705.72.

The amendment was agreed to.

The next amendment was in the proviso to the same clause, in line

1579, to strike out the words "of the amount herein" and insert "which amount is hereby."

The amendment was agreed to.

The next amendment was in line 1585, in the appropriation for the custom-house at Portland, Oregon, to increase the appropriation "for grading, fences, and approaches" from \$20,000 to \$29,800.

The amendment was agreed to.

The next amendment was to add to the clause for the court-house and post-office at Philadelphia, for the continuation of the construction of the building, the words:

And the entire cost of said building, exclusive of cost of site, shall not exceed \$3,500,000.

Mr. SARGENT. This concludes the amendment which I made a few moments ago, reversing Philadelphia to correct a mistake; "\$3,500,000" should be stricken out and "\$400,000,000" inserted.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was after line 1607 to insert:

For machinery and fitting up of the new mint building at San Francisco, \$18,000, to be available immediately; and for fitting up a refinery in said mint, \$34,500.

The amendment was agreed to.

The next amendment was after line 1611 to insert:

For this amount, or so much thereof as may be necessary, for repairing and fitting up the old branch-mint building at San Francisco for sub-treasury and other Government offices, \$30,000.

The amendment was agreed to.

Mr. MORRILL, of Maine. I move to insert after the word "dollars" in line 1639 the words:

That the limitation of the cost of the court-house and post-office building at Raleigh, North Carolina, contained in the act of March 3, 1873, is hereby increased to \$350,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to insert after line 1639 the following:

That the sum of \$100,000 for the erection of a public building for the use of the United States at Covington, Kentucky, appropriated by an act approved February 17, 1873, be, and the same is hereby, continued; and the sum of money authorized to be expended in the construction of said building is hereby fixed at \$250,000; and all restrictions as to the materials in said act are hereby repealed; no sum of money in excess of \$250,000 shall be expended in the construction of said building; and all acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

The amendment was agreed to.

The next amendment was to insert after line 1652:

That the act entitled "An act for the erection of a public building for the use of the United States at Nashville, Tennessee," approved January 24, 1873, be, and the same is hereby, amended so that the sum of money authorized to be expended in the erection of said building is hereby fixed at \$377,000; and all restrictions in said act are hereby repealed; and no sum of money in excess of the amount fixed by this act shall be expended in the construction of said building; and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

The amendment was agreed to.

Mr. SARGENT. I am authorized to offer the following amendment in the clause making an appropriation for the continuation of the construction of the building for the State, War, and Navy Departments in line 1670:

And for preparation of granite and commencement of the north wing of said building, \$250,000.

The amendment was agreed to.

The next amendment was in the clause appropriating \$150,000 for furniture, repairs, and carpets for public buildings under the control of the Treasury Department, in line 1676 to add the words:

Of this amount \$30,000 shall be available immediately.

The amendment was agreed to.

The next amendment was after line 1697 to insert the following clause:

Mint of the United States at Carson: For wages of workmen and adjusters, \$20,000; for incidental and contingent expenses, \$25,000. And so much of the amounts hereby appropriated for the mint at Carson as may be necessary is made available for the expenditure during the current fiscal year.

The amendment was agreed to.

Mr. SARGENT. After line 1704 I move to insert:

For incidental expenses of the New York assay office, \$25,000.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to insert after the amendment just adopted the following:

Loss in the redemption of old copper cents, being the difference between the nominal value of the old copper cents and the value of the same as metal, \$7,500.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the second section of the bill, in the following words:

That section 9 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, authorizing the President to employ suitable persons to conduct certain inquiries, and to prescribe their duties in respect to appointments in the civil service, be, and the same is hereby, repealed; and the unexpended balance of any appropriation heretofore made for carrying the same into effect shall be covered into the Treasury; that in all the Bureaus and in all Departments at Washington, whenever there shall be a number of applicants for employment therein, a soldier or sailor who fought in the line of duty in war, a soldier's or sailor's widow, wife, daughter, and mother, respectively, being such

applicant, shall have preference in the employments suited to each, respectively; and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus by reason of diminution of force therein, respectively: *Provided*, That two persons of the relationship above stated, either by blood or marriage, shall not have employment in any of said Departments or Bureaus at the same time; and it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal, or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States, or the widow, wife, daughter, sister, or mother of such soldier, sailor, or marine. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts, and with reference to their population; and upon the removal of any appointee, the reason for such removal shall be stated on the records of the Department where the service was rendered.

And in lieu thereof to insert the following:

To enable the President to carry into effect the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1872, authorizing him to employ suitable persons to conduct certain inquiries, and to prescribe their duties in respect to appointments in the civil service, \$15,000.

Mr. ROBERTSON. I want to know how far that goes. Does that restore the civil-service commission?

The PRESIDENT *pro tempore*. The question is on striking out the second section and inserting the words printed in italics at the end of the section.

Mr. ROBERTSON. Will it restore the civil-service commission?

Mr. SARGENT. I think it will have an effect in that way.

Mr. ROBERTSON. What is the question?

The PRESIDENT *pro tempore*. On agreeing to the amendment of the Committee on Appropriations.

Mr. ROBERTSON. I hope that will not be done. I should like to hear the gentleman having the bill in charge give the reasons for this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. ROBERTSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. I will say a word, as the Senate are evidently not giving their attention to the subject. The second section of the bill as it comes from the House of Representatives repeals the civil-service act. The amendment of the Senate committee strikes out that section and makes an appropriation of \$15,000 to carry out the act. That is the whole story.

The question being taken by yeas and nays resulted—yeas 32, nays 16; as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Cooper, Davis, Dennis, Edmunds, Fenton, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Howe, Kelly, McCroery, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Ransom, Sargent, Schurz, Scott, Stevenson, Wadleigh, Washburn, Windom, and Wright—32.

NAYS—Messrs. Carpenter, Chandler, Clayton, Conover, Flanagan, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Mitchell, Patterson, Pease, Pratt, Robertson, Spencer, and Tipton—16.

ABSENT—Messrs. Alcorn, Allison, Boggs, Boreman, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Gilbert, Johnston, Jones, Lewis, Logan, Morton, Ramsey, Saulsbury, Sherman, Sprague, Stewart, Stockton, Thurman, and West—25.

So the amendment was agreed to.

The reading of the bill was resumed and concluded. The next amendment of the Committee on Appropriations was to the following section:

SEC. 6. To enable the Secretary of War to carry out the provisions of the act approved April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River," and also of the joint resolution authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers, approved May 28, 1874, the sum of \$500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of purchasing supplies of food to be issued under his direction to any and all classes of destitute or helpless persons living on or near the Lower Mississippi, Tombigbee, Warrior, and Alabama Rivers, who have been rendered so by reason of the recent overflow; and that the Secretary of War make detailed reports to the Congress of the expenditure under this act, and of the act and joint resolution aforesaid: *Provided*, That the authority hereby conferred upon the Secretary of War shall expire on the 1st day of September, 1874; and none of the moneys hereby or formerly appropriated shall be expended except in cases where the Secretary of War shall be satisfied that there is an actual and pressing case of destitution, and that such destitution is directly caused by said overflow: *Provided further*, That any balances remaining unexpended from the appropriation provided for in the act of the 23d of April, 1874, aforesaid, may be used for the purposes expressed in either said act or said joint resolution: *And provided further*, That the Secretary of War may use any of the money hereby or formerly appropriated for the relief of the destitute people upon the Tennessee River when satisfied that their necessities arise from the recent overflow of said river.

The amendment was agreed to.

Mr. STEVENSON. My attention was not called when section 3, on page 72, was read. I want to make an immaterial amendment, to strike out in line 2 the words "inquire into," and insert "request the Choctaw national council to present to him." It makes no difference in the sense but saves the Secretary of the Treasury a great deal of trouble, and it will let these claims come before him as claimed by the national council.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

Mr. MORRILL, of Maine. This does not make any change.

Mr. STEVENSON. It saves the Secretary of the Treasury a large

amount of trouble. The Secretary of the Treasury cannot make the inquiry without employing a clerical force, and the Choctaw national council can present their own claims to him.

Mr. EDMUNDS. I do not think that section had better be disturbed. It had better be left as it is.

Mr. STEVENSON. I ask to disturb it because it puts the Secretary of the Treasury to a great deal of unnecessary labor which may end in nothing.

Mr. EDMUNDS. I perfectly understood that the Senator from Kentucky asked to disturb it, and I only expressed my humble opinion that it was not wise to disturb it. It may be that the Senator is right. Here is a disputed claim which has been trundling around through claim agents and lobbyists and other people, which may be right or may not; I express no opinion now on that point; the House of Representatives have sent us a section which directs our own officer upon his own authority and our own, and nobody else's, keeping out all attorneys and all Indians and everybody, to make a certain investigation into it.

Now, I do submit to Senators who are desirous of doing justice to these claimants and who are desirous of doing justice to the Treasury and to the people, that we, not being partisans, not being defendants, but being the grand court of the nation, judging or investigating a claim which is laid before us, the true way to make that investigation is to permit the proper officer, the Secretary of the Treasury, for us, having regard to the rights of all parties, as this section leaves it, and without any limitation or constraint by anybody's presentations or influences or arguments, to inquire into the state of this thing and report to us. That is what the bill as it comes to us provides. That, as it seems to me, and that alone, is the true ground upon which we ought to stand. I think we sometimes forget, when we ought to remember, that we are not defendants or partisans, but we are the tribunal of the people for the purpose of adjusting the rights of the people as against the Treasury and protecting the rights of the people in the Treasury against unjust claims; and therefore, acting impartially in that attitude, it is our mission to make an impartial and uninfluenced inquiry into these circumstances in order that we may know what to do. Therefore I desire that there shall be excluded entirely any report, any claim, anything except the authority of the nation confided to the Secretary of the Treasury independently to make this inquiry in respect to the circumstances, that we may know them. So it is that I think the amendment of my friend from Kentucky ought not to be agreed to.

Mr. STEVENSON. No man will go further than I will with the Senator from Vermont in restricting the expenditures of this Government. During my service with him upon the Committee on Appropriations we were always together on that subject; and if I thought that this amendment in any way committed the Government to this claim, I should at once acquiesce in his views. Now, this section does not commit the Government in any way to the payment of any money, directly or indirectly. Section 3 directs the Secretary of the Treasury to inquire into the amount of liabilities due from the Choctaw tribe of Indians to individuals. I move to amend that by asking the Secretary of the Treasury to request the Choctaw council to present to him the amount of liabilities that they claim to be due them. The only point is whether the Secretary of the Treasury shall undertake to go into a thorough investigation of this claim before he receives from them what they claim, or whether they shall present to him the amount that they claim and then he inquire into it. He is not then to be bound by what they claim, but he is still to inquire into the case with this presentation of their claim before him, and then he is "to report the same to the next session of Congress, with a view of ascertaining what amounts, if any, should be deducted from the sum due from the United States to said Choctaw tribe, for the purpose of enabling the said tribe to pay its liabilities, and thereby enable Congress to provide a fund to be held for educational and other purposes for said tribe."

It seems to me that my amendment is in the interest of economy. The Secretary of the Treasury cannot send special agents to investigate these claims without having a special fund for that purpose. The Secretary of the Treasury intends to remodel the whole Treasury Department, and on the 1st of July to dispense with hundreds of employees now in that service. I ask in this amendment merely that the Choctaw national council shall lay before the Secretary of the Treasury what they claim, not to guide the Secretary of the Treasury, but to let the Secretary have their claim, and then he is to investigate whether that claim is right or wrong in whole or in part, and report to Congress in what particulars their claim is erroneous. But now as the section reads the Secretary is required, without knowing what they claim, himself to institute this inquiry and to report. The result would be that he would not have half the information that it seems to me he would have if the Choctaw council were to present this claim to him. It is a mere verbal change.

Mr. BOUTWELL. It seems to me that the section as it comes from the House of Representatives is in the true form. The Secretary of the Treasury is directed to inquire into the amount of liabilities due from the Choctaw tribe of Indians to individuals. The proposition of the Senator from Kentucky is to request the Choctaw tribe of Indians to state it, a very different proposition. If the Secretary of the Treasury makes the inquiry, it will be in the nature of an examination of the claims of individuals against the Choctaw Nation, which



in a certain sense by the twelfth and thirteenth articles of the treaty of 1855, the Government agreed to provide for the payment of. A statement from them may be true or it may be false. The difference to the Government and the difference to the Choctaw Nation is that if it shall be found upon the whole that there is anything due to the Choctaw tribe of Indians, and the amount so found exceeds the liability due from the tribe to individual claimants against the tribe, the balance is to be set aside for educational and other purposes. Therefore it is a matter of consequence to the parties and of consequence to the Government to know with some degree of precision the amount of these liabilities which cannot be ascertained with any certainty from a mere statement by the council or leading persons in the tribe. I hope, for one, that the provision will remain as it came from the House.

Mr. MORRILL, of Maine. This is an old question, somewhat familiar to some of us. It is a very delicate and difficult question between the two branches. The House of Representatives have made a distinct proposition, the design of which is to furnish Congress with accurate information upon this subject. If we amend it, it leads to complications. I hope the Senate will concur with the action of the House and settle the matter.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

The amendment was rejected—ayes 8, noes not counted.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service;

A bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association;

A bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims;

A joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.;

A bill (H. R. No. 1572) fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes; and

A bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy.

#### SUSAN B. ANTHONY.

Mr. EDMUNDS. I ask permission of the Senator in charge of this bill to make a report, which has been delayed, from the Judiciary Committee, not for action, but to go on the Calendar.

I am instructed by the Committee on the Judiciary, to whom was referred the petition of Susan B. Anthony, praying for remission of a fine; and to whom also was referred the bill (S. No. 391) to enable Susan B. Anthony to pay a fine imposed upon her by the circuit court for the northern district of New York, to report, asking to be discharged from the further consideration of the petition and recommending that the bill be indefinitely postponed, for the reason that the committee are not satisfied that the ruling of the judge presiding at the trial of the petitioner in the circuit court of the United States for the northern district of New York was precisely as represented by the petitioner; and secondly, that whether so or not, the committee do not find it to be within their province to inquire into and review the judgments of the courts of the United States in matters that are properly before them; and the petitioner, if she believes her conviction to have been erroneous, can apply to the executive department, which alone has the power to grant pardons for any relief to which she may be entitled.

Mr. CARPENTER. I ask leave to present the views of the minority of the Judiciary Committee upon this same memorial and bill, and request that they be printed.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That order will be made if there be no objection.

#### REPORTS OF COMMITTEES.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the memorial of A. G. Batchelder and Mrs. Alsie F. Thompson, of Lowell, Massachusetts, praying an extension of a patent on an improvement in railroad car-brakes, submitted an adverse report thereon, which was ordered to be printed, and the committee were discharged from the further consideration of the memorial.

He also, from the same committee, to whom was referred the bill (S. No. 525) to authorize the Commissioner of Patents to receive and entertain an application of William Beale Hale, for letters-patent, reported adversely thereon; and the bill was indefinitely postponed.

#### AMENDMENTS TO APPROPRIATION BILL.

Mr. ALCORN and Mr. CHANDLER submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations.

#### COMMITTEE ON CONTINGENT EXPENSES.

Mr. CARPENTER submitted the following resolution; which was considered by unanimous consent and agreed to:

*Resolved*, That the Committee to Audit and Control the Contingent Expenses of the Senate have leave to sit during the recess of the Senate.

#### INDIAN TERRITORY.

Mr. CLAYTON. I should like to take up the following resolution reported yesterday by the Senator from South Carolina, [Mr. PATTERSON:]

*Resolved*, That the Select Committee on the Levees of the Mississippi River be authorized to sit during the recess, and to investigate and report upon the condition of the levees of the Mississippi River; also upon the propriety of the Government of the United States assuming charge and control of the same, with a view to their completion and maintenance, and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the select committee aforesaid.

Mr. EDMUNDS. I make the point of order that that is legislation against the special rule we adopted on this subject.

The PRESIDING OFFICER. Does the Senator offer it as an amendment to the appropriation bill?

Mr. CLAYTON. O, no. I ask for the consideration of the resolution.

Mr. EDMUNDS. I beg pardon.

Mr. CLAYTON. I ask the consent of the Senator from Kentucky to call this up now.

The PRESIDENT *pro tempore*. It is a resolution offered some days ago, and the Senator calls it up now with the consent of the Senator from Kentucky, who had the floor on the appropriation bill.

Mr. EDMUNDS. Let it be read again. I do not understand what the thing is.

The resolution was again read.

Mr. BUCKINGHAM. Let that go over for the present.

The PRESIDENT *pro tempore*. The resolution will lie over.

#### SUNDY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. STEVENSON. I offer an amendment from the Committee on Appropriations, after line 711, on page 30, to insert:

That the salary of the special policeman in the office of the Secretary of the Senate shall hereafter be \$1,296, and a sum sufficient to pay the increase hereby made be, and the same is hereby, appropriated.

The amendment was agreed to.

Mr. STEVENSON. I am directed by the Committee on Appropriations to offer another amendment:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay the late firm of Dempsey & O'Toole, as indemnity for loss sustained by them by annulment of a contract with the Post-Office Department for furnishing stamped envelopes and newspaper wrappers, the sum of \$29,433.89: *Provided*, That previous to the payment of the sum before mentioned, the said Dempsey & O'Toole shall deliver up, to the satisfaction of the Postmaster-General, all dies and dandy-rolls by them used and provided for the manufacture of the envelopes aforesaid: *And provided further*, That the sum aforesaid shall be received in full satisfaction for all claims and demands of the said Dempsey & O'Toole for or by reason of the annulment of said contract.

Mr. EDMUNDS. I wish to ask the chairman of the committee in charge of this bill if that amendment is in order?

Mr. MORRILL, of Maine. It was considered in committee while I was in the Chamber.

Mr. EDMUNDS. That is not the question. I ask the chairman, not whether it is meritorious; we have had it up here year after year; we all understand what it means; but I ask my friend from Maine whether it is in order to move that amendment on this bill in his judgment?

Mr. MORRILL, of Maine. This is the first time my attention has been called to it, and I do not know whether it is or not.

Mr. EDMUNDS. I make the point of order that is a private claim which has been ruled out forty times.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order is well taken.

Mr. ROBERTSON. I offer the following amendment. On page 10, line 218, after "postage-stamps," I move to insert the following:

For each Senator and member of Congress, \$300; and.

Mr. MORRILL, of Maine. Does that come from any committee? If not, I raise the point of order.

Mr. ROBERTSON. I offered the amendment several days ago, and had it printed and referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. The rule requires, if I recollect it, that an amendment to an appropriation bill to be in order must be proposed by the authority of a committee.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. HOWE. I offer the following amendment to come in after line 332:

For commencing the construction of a new building for the Library of Congress, \$200,000: *Provided*, That no expenditure for ground shall be incurred; and the Joint Committee on the Library of Congress, together with the Librarian of Congress, shall have supervision of the location and erection of said building; and said committee is hereby authorized to sit during the recess of Congress.

Mr. ROBERTSON. I raise the point of order on that.

The PRESIDENT *pro tempore*. The Senator will state the point of order.

Mr. ROBERTSON. Does it come from a committee?

Mr. HOWE. Yes, sir; I move it by direction of the Joint Committee on the Library.

Mr. MORRILL, of Vermont. I think the Senate ought to be informed in relation to the full effect of this amendment, if it should be adopted, and I hope that the Senator from Wisconsin has not set his heart upon it, for I know how difficult it will be to resist him if he has. The point in the case is that there is no spot yet designated for the location of the Library building. To be a suitable structure it ought to be half or two-thirds as large as the present Capitol building, and will cost five or six million dollars. I do not think at present that the sentiments of the House and the Senate are agreed upon any spot which would be appropriate for the location of this building. Of course this amendment appropriates but \$200,000; but it does not fix the point where the Library shall be located, but it involves the whole amount necessary. I do think it is too important a question to be submitted to anybody but the entire Congress. I have, with the Senator from Wisconsin, labored and studied much on this subject, and I find a wide diversity of opinion as to where this building should be placed. It seems to me, therefore, that it is better for us to defer it until the next session and have it then fully determined and decided upon. I am much in favor of building a library, and building one that is appropriate, to last for centuries, and when it is built I want a proper building and to have it placed in the proper place.

Mr. STEVENSON. I should like to ask the Senator from Vermont whether he has ever had a plan and estimate of a proper library building, which will hold several million volumes?

Mr. MORRILL, of Vermont. There have been various plans submitted and competed for, and the commission that was authorized decided in favor of making an award to three plans according to their several merits, first, second, and third, and they vary in cost from three to seven millions I think. I suppose we cannot build a structure such as we ought to have for less than five or six millions at the very least.

Mr. STEVENSON. If a library building is to cost from five to six millions, or probably ten millions, I do not think the Senate ought to take any step till we determine where it is to be located, the plan of the building, and its cost. We had a lecture read to us last night in the discussion of the pension bill upon the want of money in our Treasury. That was urged against the widows of those poor old soldiers, who if they did no other act certainly helped to save New Orleans from as great an army as England ever sent to this country. That bill was opposed even by the Senator from Louisiana, [Mr. WEST,] upon the ground that the Treasury was in too poor a condition even to let the country express its gratitude to the survivors and the widows of the deceased heroes of that war. I have not a word to say on that subject. I think the Treasury does want vigilant guarding; and therefore it is in the view of economy that I rise to say, without antagonizing with anybody, that I think the suggestions of the Senator from Vermont are entirely correct; that before beginning to lay the foundation of a library building, which I think the Government ought to have, two considerations ought to guide us: first, its location; and, secondly its cost.

If we undertake to put the library on Judiciary Square, which seems to be the favorite project, then the Congressional Library will ultimately sink into a library for the city of Washington; and if we want books we shall have to send several squares to get them. I do not intend to express my opinion about it. I am perfectly willing to let the Committee on the Library take this matter in charge before we spend any money, and let them report to us the plan and the location and the cost. That it seems to me would be the most sensible plan, and to that extent I shall go, and no further, now.

Mr. EDMUNDS. The question is first whether the present necessities of our accumulation of books, pamphlets, &c., require us to take measures for larger accommodations. There is no question, I believe, on that subject. Any gentleman who will go into the library-rooms of the Capitol now will see that they have become really store-rooms where you can get at nothing or do nothing in the broad sense because the place is entirely inadequate to the very valuable and increasing collections of our gathering that are laid in there. There are more than forty thousand volumes, as I am advised by a friend who always makes the proper suggestions to me at the right time, now unable to be shelved or put in condition where gentlemen of Congress and of the country can have access to them. Therefore it is plain that we ought to do something and we ought to do it now.

The question is how are we to do it? We must trust somebody. Are you to undertake in this body and in the House of Representatives to determine by discussion and by a vote where you will locate these accumulations or these books—for I think they ought

all to be kept together except the duplicates, which may be stored away somewhere. The Library as a library ought to be kept where the hand of every gentleman in Congress can be laid upon it in the shortest possible time, and where the very competent gentleman now in charge or any successor he may have (and I hope that time may be far off) can give us the proper reference and to furnish the proper volume at a moment's notice, because in legislation that is what we must have. I say, then, if consistently with architectural propriety we can have this library provided in the immediate vicinity of the great dome that overshadows this Capitol, we ought to do it. If it shall be found impossible and inconsistent with the architectural beauty and decency of this grand building to do that thing, then we must take the nearest and best place that we can, because it is impossible to go on in the present condition of affairs and have the Library of any use to anybody. It is crowding itself to death; it is being strangled by itself. That is what the truth is.

As I said upon this question of the how and the why we must trust somebody. If the Senate is willing to trust the Joint Committee on the Library in respect to providing these accommodations, then, speaking for myself as one member of that committee, I say that I should strain a point in order that this collection of books should be kept where they are as they ought to be, the companions, the instructors, at our very elbow all the time, of the Senators and Representatives and other officers of the Government who are sent here to take care of the people's interests who require those books for information and for reference; and speaking my individual opinion, I have no hesitancy in saying, from some study of the subject, that there will be found not the difficulty that is supposed by some gentlemen in locating a place for the library, where it will be not only a grand addition to the beauty of this edifice, but also as accessible as it is now.

Mr. HOWE. Mr. President, I want to add one word to what the honorable Senator from Vermont has just said in reference to the necessity of having additional accommodations for your library somewhere and soon. As he has remarked, there are some forty thousand volumes which your industrious Librarian cannot shelve, and through your annual appropriations, small as they are, and through the operations of your copyright laws, you are adding to that number from thirty to forty thousand volumes annually.

Now, Mr. President, a book is not of much value unless it is accessible; and when a book is buried under tons of books it is not so accessible as it is when it is placed on shelves forty rods off. It is therefore indispensable, if you mean to have the use of your library, that you should have additional accommodations for it. It is one of the necessities, not a luxury, not a convenience merely, not a condition; it is a necessity of the country, as it seems to me.

As has been remarked, if these two Houses refuse to enter upon the work of providing these additional accommodations until they shall have agreed where to place the building, what plan to build upon, and what shall be the limit of the expenditures, before they have come to an agreement upon each of these points, your library will be almost useless from the very accumulation of buried volumes. That did not seem to be at all practicable. So the Library Committee instructed me to move this amendment. If the Senator from Vermont who sits farthest from me [Mr. MORRILL] thinks it is so certain that the library building should be placed at some point and nowhere else, it is very easy to take the sense of the Senate upon that question. Let him make his proposition. If any other Senator here has a distinct proposition, a distinct point to name, we can get the sense of the Senate right here upon that proposition. The Library Committee had no such point to propose; I had not. I should be very glad to get the advice of the Senate in reference to all these matters.

Let me say to the honorable Senator from Kentucky, however, that if you knew just where the building was to be, and what the plan of it was, it would be utterly impossible to set limits to its cost. That cannot be done. No architect can do it; no builder can do it. But I was a little surprised that my honorable friend from Vermont, [Mr. MORRILL,] having paid as much attention to this subject as he has, should venture to say that the cost of the building would be \$6,000,000, and still more surprised when the honorable Senator from Kentucky said he thought it would cost ten millions. Why, Mr. President, this magnificent pile in which we are to-day has only cost \$13,000,000. We have had submitted to us during the past summer some twenty-six or twenty-eight different plans for a library building. The estimated cost under those plans runs all the way from \$800,000 to \$3,400,000; the highest estimate, if I remember correctly, of the most expensive was \$3,400,000.

Mr. MORRILL, of Vermont. I thought it was more.

Mr. HOWE. I think I am not mistaken; I may be; but it is about that. The building should cost a pretty large sum for it should be a credit to the library as well as a credit to the Government providing for the library. I know the honorable Senator frankly does not contemplate anything short of one of the completest collections of books to be found on the face of the globe, and I know he is among those who are ready to furnish ample accommodations. The labor of constructing the building must be a work of years; and it seemed to the committee—I hope it will be the judgment of the Senate—that we cannot commence that work too soon.

I agree with my honorable friend, my colleague on the Library Committee, if there is any other tribunal here that the Senate would



prefer to trust, I should be entirely willing and be glad to have that tribunal suggested, and be very glad to have it substituted. I do not think any member of the Library Committee cares to assume this responsibility; but it is a responsibility that Congress must take itself and execute itself, or it must intrust it to somebody. That is inevitable. I shall be glad to hear any suggestion, any proposition, to get any light.

Mr. MORRILL, of Maine. Will my honorable friend allow me to make one suggestion and see if we cannot compromise so as to facilitate the objects with which I am in sympathy. I agree entirely with what has been said about the necessity of a library building, and at once. I do not think there is any question about that by anybody who has looked into the subject for a moment; and I believe that the structure of the building should be under the supervision of the Committee on the Library, acting conjointly with the Librarian.

On the other proposition of location I think it probably belongs to the Committee on Public Buildings and Grounds, who have by instruction of the Senate jurisdiction, so to speak, of public buildings and grounds. They ought best to understand what can be granted for this purpose with due deference to such other buildings as may in the future be needed in the District. Now, I submit this twofold proposition then, as embodying those two ideas:

For commencing the construction of a new building for the Library of Congress, the supervision of which shall be under the Joint Committee on the Library, \$200,000; and the Joint Committee on Public Buildings and Grounds are directed to designate a suitable location therefor, and report the same to Congress.

The PRESIDENT *pro tempore*. Does the Senator offer that as an amendment to the amendment?

Mr. MORRILL, of Maine. I do not offer it as an amendment, because I do not want to push myself forward on this question. I only suggest that as a proper solution of the question.

Mr. MORRILL, of Vermont. I am very sure the Committee on Public Buildings do not desire any part of the responsibility of this undertaking. The difficulty about this phraseology is that it provides "that no expenditure for ground shall be incurred." It follows as a matter of course that we have either got to have somebody give us the ground or we are to take the ground that we now possess. I do not think myself that we have any appropriate ground for this magnificent structure that we ought to have. The only ground that could be used would be an extension of the west or east front of the Capitol or the grounds in front of the Capitol, between here and the Smithsonian grounds, or the park on the east side, or some of the squares that are in the city. All of these squares are altogether too far off.

This Library has grown up under the most excellent management of the present Librarian to be one of the first libraries in the world. I desire that it shall be continued under the prestige of the old name, the Congressional Library, and that it shall be placed near the Capitol building, so as to be accessible to both members of the House and of the Senate. If the Joint Committee on the Library were to designate an extension of this Capitol building in the center, on either side, east or west, I should regard it as absolutely destructive to the symmetry and fair proportions of this the best public building, perhaps, that any government possesses. But there is no proposition that this committee may have an opportunity to get any other ground than they can get without expense.

I should regard it of quite as much importance that this building should have a suitable location as that it should be of suitable proportions and dimensions for the accommodation of the books that in the next half-century or century it will be required to hold. Although I am not wedded to any one particular spot, I think if it were located upon one of the squares on the east side of the Capitol, say, the square where Judge Field lives and the buildings that are occupied by him and others in that vicinity well known to all Senators, that would place the Library within one square of the Capitol; it would be easily accessible; we could send a page at any moment there; and when Senators or members of the House came here with their families, they could easily stop at one place or the other. The building will be an imposing one, and it ought not to be placed right in the shadow of the Capitol to distract attention from this building, and therefore it ought not to be in the park on the east front.

Mr. HOWE. Will my friend allow me to make a suggestion?

Mr. MORRILL, of Vermont. Certainly.

Mr. HOWE. I know very well he does not mean to oppose this, but I ask him why he does not submit his proposition to strike out the words forbidding any expenditure of money in the purchase of grounds so that we may take the sense of the Senate upon that one question? That would settle one point.

Mr. MORRILL, of Vermont. I know that the Senate might defeat separate propositions one by one, but I desire to call the attention of the Senate to the general proposition as proposed here, and this proposition is that no expenditure shall be incurred for ground. Therefore the committee clearly contemplate building on some ground that we now have.

Mr. HOWE. Yes, Mr. President, the committee thought that Congress would be more willing to embark in erecting a library on some ground already owned than to purchase more ground; but that was a mere opinion. I do not care one snap about that provision myself. I am quite willing, if it is thought better to purchase a piece of ground, to see it done, and I should be very glad to have the Senator move

that amendment and see what the sense of the Senate is. I will not oppose it.

Mr. MORRILL, of Vermont. These squares upon the east of the Capitol are so largely cut up by streets and avenues that if the Government were to buy them they would have to pay for but little more than one-half the ground in the whole. I think that in the process of time we shall need the whole of those squares; that it will be necessary to build in a few years a building for a national museum of natural history.

But, Mr. President, I only desire to present the whole case to the Senate. It is a grave and important question. I desire to see this library successfully kept up and the present Librarian retained as long as he shall be able to discharge the duties. It seems to me, however, that if we shall go off upon any distant square and separate the great bulk of the library from Congress we shall do a very vicious act.

Mr. STEVENSON. I desire to say but a word on this subject. I am perfectly willing to trust the Joint Committee on the Library with almost anything within the scope of their power; but I still adhere to my original opinion that Congress ought to be chary in making any appropriations for a library until they know exactly where that library is to be. I said that it was proposed to erect a library building at a cost of \$6,000,000. The honorable Senator from Wisconsin was surprised at my estimate. It was not my estimate. It was the statement of the chairman of the Committee on Public Buildings before the Committee on Appropriations that it would require six millions.

Mr. MORRILL, of Vermont. If the Senator from Kentucky will permit me, it is possible that I was mistaken in that. I spoke from recollection, and I know that my own convictions were, when I was studying the subject and looking over the different plans, that by the time it was completed we should not get off for less than about five or six millions.

Mr. STEVENSON. I frankly confess I should like to have the judgment of Congress as to whether the library is to quit this building. If it be possible, and I think it very possible, that such an extension of this Capitol can be made as will not interfere with its architectural beauty, and will accommodate the nation with a library worthy of it—

Mr. MORRILL, of Vermont. It will not accommodate it for more than twenty years.

Mr. STEVENSON. I believe this Capitol can be enlarged so as to give sufficient library room looking to our progress in the next twenty years, and I would make that a condition precedent. Why, sir, we are now erecting an enormous building for the accommodation of the War, Navy, and State Departments; and yet in this very appropriation bill we have been buying lots after lots for the War Department. There is scarcely an appropriation bill, notwithstanding the immense amounts of money which are yearly expended in public buildings here, that these Departments do not go outside of the public buildings and buy lots and buildings here, there, and everywhere.

I have only two objects in view in this matter. I desire to do what the learned Senators representing the Committee on Public Buildings and the Library Committee say they desire to provide for the present exigency which is upon us, of taking care of the books in the library. It was contemplated that the library should be fire-proof and it was fire-proof; and yet the necessity of providing room for the books has compelled the Librarian, I believe, to bring two hundred cases of wood into that library, subject to the danger of fire, which it was the object of Congress to prevent. Therefore I agree with them as to the necessity of taking some action in this regard; but I desire to obtain an expression of the opinion of the Senate so that the Committee on the Library can understand what the sentiment of the Senate upon the question, whether if we can accommodate the library and still retain it in this Capitol, it is not their wish that it should be done.

I have had no experience on this subject; I am one of the humblest Senators on this floor; but I have given some thought to this subject; and while I am willing to provide for a large library, it is not by any means, as the Senator from Vermont seemed to think, equal to some of the libraries in the world. But, sir, it will be a library worthy of America, and I want to retain it in the Capitol if possible. If that cannot be done, I wish to see it located as near the Capitol building as possible. I think the Committee on the Library should, if possible, bring it within this building, rather than place it outside; but if they are compelled to go outside, then I want it so near as the distinguished Senator from Vermont said so well and so eloquently, that the purpose of the library shall not be lost to the nation in cutting us off from the consultation of the books in the library, which would be the case if it were removed any distance from the Capitol.

Mr. FRELINGHUYSEN. I agree very nearly with the opinion expressed by the Senator from Kentucky, and I should like to see this amendment changed so as to authorize the Committee on the Library to enlarge the existing library or construct a new one. I believe if this library could be made to last for twenty years here in the building it would be a great gain. My opinion is that you could very much improve this beautiful structure by extending the library, not too far in front, and by making the base for the immense dome, the beautiful dome of this Capitol, larger and better; for if there is any defect in the architecture of this building that is the defect. Then to meet further exigencies, to have a place where you could have your copy-right books which you do not need for constant reference, I would

have not so expensive and ornate a building; but I would have a plain, fire-proof, graceful structure, near at hand, in which books that we do not want constantly to use could be placed, and thus relieve the accumulation of volumes in the library itself here at the Capitol.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I hope the amendment offered by my colleague will prevail. I have no objection to the change suggested by the Senator from Vermont to take away the restriction as to purchasing new ground, and I am not entirely certain that some provision should not be made about the Capitol as suggested by the Senator from New Jersey, to change the central portion of it, and perhaps make provision for the library there; but it is evident that something must be done, and done at once, for the library is being absolutely snowed under with books and will very soon come to a condition where from its own wealth it will be entirely useless.

That library should be in fact what it is in name—it should be the Congressional Library. It should be accessible to members of Congress; it should be where we could reach it in a very few moments for any volume we want, and that not only requires space enough to put the books up so that their location can be known, but it requires that the building or place, whichever it is, shall be located near the Capitol, and we must begin to act on this subject. I am entirely willing to trust the subject to the Committee on the Library; indeed it seems to me it properly belongs there, that the responsibility belongs to them, and they can safely be trusted to exercise it. I shall vote for the amendment as it has been proposed.

Mr. MORRILL, of Vermont. A single word in reference to the point suggested by the Senator from New Jersey. He suggests that there can be ample accommodations provided here for a few years by enlarging the Capitol on the east or west fronts. The eastern front evidently has got to be enlarged within a few years. It should be enlarged to carry out the symmetry of the building; but it will not do to carry out that central front more than a small space beyond the two wings. The front on the western side it would be well enough to have carried out a little farther; but there is no particular necessity for it, and if it should be, it could not be carried out properly more than forty or fifty feet, and therefore it would furnish the most meager amount of addition to the present library.

Under the circumstances it seems to me eminently proper that the Joint Committee on the Library should be looking out for a new library building, for if we attempt any patch-work now, it will be but a few years before we shall be compelled to do this very work that we ought to do now or soon. The only thing that struck me about it was that it is a new subject, and that there was a wide diversity of opinion as to where this building should be located. My only desire is that it shall be placed where it will best accommodate Senators and members of the House. I do not desire to make this a national library, so called, to which we shall contribute something niggardly every year, but make it a part and parcel of Congress, something belonging to Congress; and it seems to me that it cannot be unless it is located near this Capitol. I do not regard the expenditure of a small sum or even a large sum for the purchase of the site of such a building as this, that is to stand for centuries, to be a fire-proof building and to contain what is the very apple of the eye of most Senators, good books; but I do desire that it shall be so placed that there shall hereafter be no regrets.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment.

Mr. BUCKINGHAM. Let it be reported again.

The Chief Clerk read the amendment, which was to insert after line 332 the following:

For commencing the construction of a new building for the Library of Congress, \$200,000: *Provided*, That no expenditure for ground shall be incurred; and the Joint Committee on the Library of Congress, together with the Librarian of Congress, shall have supervision of the location and erection of said building; and said committee is hereby authorized to sit during the recess of Congress.

Mr. MORRILL, of Vermont. I will venture, as the Senator from Wisconsin does not do it himself, to suggest an amendment. I really do not wish to interfere, but I will venture to move to strike out after the word "that," to the end of the line; so that the proviso will read:

*Provided*, That the Joint Committee on the Library, together with the Librarian of Congress, shall have supervision of the location and erection of said building.

Mr. HOWE. How much do you propose to strike out?

Mr. MORRILL, of Vermont. All that limits you about the location.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

Mr. HAMLIN. I suggest to the Senator from Vermont that it would be more in harmony, and put the amendment in a better form to strike out the words "provided that no expenditure for ground shall be incurred." It will then read:

For commencing the construction of a new building for the Library of Congress, \$200,000; and the Joint Committee on the Library of Congress, &c.

Mr. MORRILL, of Vermont. I accept the suggestion.

Mr. EDMUNDS. I do not know but that the words "new building" necessarily excludes the idea of enlarging the present library for the time being. I do not think it ought to be excluded. If we are to take this responsibility, we either ought to take it under instructions that the Senate itself perfectly agrees upon, so that we all understand what it means, or else we ought to have a free hand about

it. If these words are intended to mean that under all circumstances we are compelled to locate a building somewhere else, and we cannot enlarge this at all, or have any discretion about that, then I for one, as a member of that committee, wish to understand it now. If, on the other hand, it is confided to the discretion of the committee, consulting with my honorable colleague, the chairman of the Committee on Public Buildings and Grounds, touching its effect upon the architecture of this building and so on, to see how we can enlarge it for the time being, for the twenty years spoken of by my friend from New Jersey, then I think the language ought to be a little different, because taking the term in its natural sense a "new building" might seem to imply that it was to be totally separate and distinct and removed from the existing structure. That is begging a question which ought to receive the most careful consideration. Therefore I would suggest to modify that so as to leave out the word "new."

Mr. HOWE. The criticism, I guess, is just; but let us dispose of the other amendment first.

Mr. EDMUNDS. I thought I was speaking to the pending amendment. If I was not I will withdraw my speech.

The PRESIDING OFFICER. The question is on the amendment to the amendment as modified.

The amendment to the amendment was agreed to.

Mr. MORRILL, of Vermont. In reference to the suggestion of my colleague, and also the suggestion of the Senator from New Jersey, I desire to say this: that whenever we have a façade on the west side or on the east side it will take a great deal more money than \$200,000 to build it and reface it with marble, and I should be utterly opposed to making an appropriation so small as \$200,000 for any such purpose. Whenever it is done it ought to be done in a single year, or two years at the outside.

Besides, I cannot consent without a protest to the idea that you can get any sufficient accommodations for this library by making any extension here. It would last only for a very brief time, and we would have all the work to do over again, and I am quite sure that the beauty and symmetry of this building would be destroyed by attaching any long extension on either side. If you put it upon the west side, you would have a Swiss cottage, one end of it two or three stories high and the wings only half a story high. It seems to me that we ought to preserve the perfection of this building as much as possible, and I trust there will be no one in favor of an extension upon the west side, for the very small amount of accommodations that could be obtained there would be utterly contemptible in a very short process of time.

Mr. WRIGHT. I understand the question is on the amendment as it has been amended?

The PRESIDING OFFICER. That is the pending question.

Mr. WRIGHT. I feel pretty well satisfied myself that the Senate is hardly prepared to enter upon this scheme, and so far as an appropriation is concerned of \$200,000, I am in favor of something of this kind, and have been, I may say, ever since I have had a seat in this body. Something near about two years since I offered a resolution instructing the Committee on the Library, or some committee, to inquire into the propriety of erecting such a building, and to give it the name of the Washington Library Building. Now, inasmuch as this proposition is made at this time, coming from the committee, and I do not know that any others are opposed to the enlargement of the room or a new building, it has occurred to me that the better way was to have some investigation on the subject and have a report, and upon that report let the Senate act. I therefore propose as a substitute for the amendment, if it be in order, what I will read, for I am very well satisfied the Secretary would not be able to read it if I were to send it up:

That the Joint Committee on the Library, together with the Librarian of Congress, inquire into the necessity of commencing the construction of a new building for the Congressional Library or of enlarging the present rooms or building, as also upon what terms new ground can be obtained and the probable cost of the new building or enlargement, and report at the next session of Congress.

Several SENATORS. That is right.

Mr. FRELINGHUYSEN. I will suggest to the Senator to insert after the word "building," where it is first used, the words "or both."

Mr. WRIGHT. I have no objection to any amendment.

Mr. EDMUNDS. Will my friend allow me to look at his amendment? [After examining it.] I wish my friend would reduce this to English, so that we could all read it. It is too much for me. [Laughter.]

Mr. HOWE. I wish my friend from Iowa would withdraw that amendment. It will evidently save the Secretary a good deal of trouble, if nobody else. I think it will save me some. Is it not manifest to my friend, is it not manifest to everybody, that the Library Committee will be able to tell you nothing next winter about the necessity of additional accommodations that we cannot tell you now? We can tell you enough to-day. Put us on the stand, and if you are ready to hear a case, we can make a case showing the absolute necessity for undertaking this work.

Now, then, the Senator would instruct us in addition to that to report the cost of grounds. What grounds? That opens to us an inquiry into the value of every square in Washington, for we cannot assume that this square or that is the one that Congress would agree upon. There are two opinions right here in this body you see to-day as to the question whether you should have a new building or an



addition to the present Capitol. We cannot help you to decide that. The Library Committee cannot say a word to make the solution of that question plainer than it is. You severally have your opinions about it. You will have them next winter after all we may say on the subject.

Therefore it seems to me that to agree to this amendment is simply one form of postponing action. You can postpone action by just negating this amendment, but do not impose any such labor as that on the Library Committee, which would do nobody any good in the world and only vex us. I therefore hope my honorable friend will withdraw the amendment.

The Senator from Vermont sitting nearest to me [Mr. EDMUNDS] just now suggested an amendment which I think myself ought to be made. I say so with deference, considering that I am acting under instructions; but the criticism which he made I do not think occurred to the committee when the amendment was agreed to, and I think it would be an improvement if adopted. I should be very glad to have the sense of the Senate taken upon that; but I really hope the Senator from Iowa will not press his amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. WRIGHT. I will have it in form in a few moments so that it can be read.

#### CANNON FOR A MONUMENT AT LEXINGTON.

Mr. WADLEIGH. Mr. President, the people of the town of Lexington, in the State of Massachusetts, propose to erect a monument where the first blood of the Revolution was shed, and a bill has passed the House authorizing the Secretary of War to deliver to them ten brass cannon for that purpose. They desire that the bill may be passed at this session, so that they may complete the monument before the centennial anniversary of the battle of Lexington next year. The bill was referred to the Committee on Military Affairs, who have authorized me to report it back and to ask its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. EDMUNDS. What is the question.

The PRESIDING OFFICER. The Senator from New Hampshire asks consent to lay aside informally the pending bill and proceed to the consideration of the bill indicated by him.

Mr. WADLEIGH. It is a bill to authorize the Secretary of War to give ten condemned brass cannon to the town of Lexington to build a monument prior to the centennial celebration of the battle of Lexington.

Mr. EDMUNDS. The only objection I have is that cannon for such a noble purpose ought not to be condemned cannon; they ought to be first-rate; but I will waive that objection and let it go.

The PRESIDING OFFICER. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes.

The bill authorizes the Secretary of War to deliver to the municipal authorities of Lexington, Massachusetts, ten pieces of condemned brass cannon, to be used for monumental purposes in commemoration of the battle of Lexington on the 19th day of April, 1775.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN L. T. JONES.

Mr. HAMILTON, of Maryland. There is a bill that I desire to have passed for the benefit of a Mr. Jones, whom all the Senators, I apprehend, know. It will not take three minutes to do it.

Mr. MORRILL, of Maine. That will not do. I ask my friend to look at the army on their feet already prepared to make similar requests. Let us go on with the appropriation bill. I will help the Senator by and by.

Mr. HAMILTON, of Maryland. It will not take three minutes. Let us dispose of Mr. Jones. The bill is No. 696 on the Order of Business.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent to lay aside informally the sundry civil bill and take up the bill indicated by him.

Mr. HAMILTON, of Maryland. There will be no trouble about it at all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damage sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters.

The bill directs the Secretary of the Treasury to pay to John L. T. Jones the sum of \$4,000, which shall be in full discharge of all claims of said Jones against the United States for rent of building and destruction of the same by accidental fire while being so occupied as quarters by the United States troops in Montgomery County, Maryland, under the command of General Hubert Ward, in November, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. EDMUNDS. What is the precise question on that bill?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Iowa [Mr. WRIGHT] to the amendment offered by the Senator from Wisconsin, [Mr. HOWE.]

Mr. EDMUNDS. I should like to have the amendment stated, so that we may understand exactly how it stands.

Mr. WRIGHT. I will read it as I have now prepared it, and then send it up to the desk.

Mr. STEVENSON. I understand the Senator from Iowa to offer his amendment as a substitute for the amendment of the Senator from Wisconsin.

Mr. WRIGHT. Yes, sir.

Mr. STEVENSON. I desire to offer an amendment to the amendment of the Senator from Wisconsin before the substitute is acted upon.

Mr. WRIGHT. Let me read it. The substitute is this:

That the Joint Committee on the Library, together with the Librarian of Congress, inquire into the necessity of commencing the construction of a new building for the Congressional Library, or of enlarging the present rooms or building, or both, as also upon what terms suitable ground can be obtained, and the probable cost of the new building, or enlargement or both, and report at the next session of Congress.

Mr. SHERMAN. I ask the indulgence of the Senate for a moment on this bill. There is an amendment made necessary by the passage of what is called the currency bill. An amendment has been handed to me which I desire to offer, and to which I think there can be no objection. It is apparent on its face. I am compelled to leave the Chamber to attend a committee of conference, and that is the reason I interpose now, although I am a little out of order.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to lay aside the pending amendment and proceed to the consideration of an amendment offered by him. The Chair hears no objection. The amendment will be reported.

The Chief Clerk read the amendment, as follows:

For the following clerks in the office of the Comptroller of the Currency: two clerks of class three; two clerks of class one; nine female clerks; for extra compensation to four heads of divisions, \$2,400; total in all \$16,100: *Provided*, That the amount appropriated shall be reimbursed to the Treasury by the national banks, as provided in section 3 of "an act fixing the amount of United States notes, providing for the redistribution of the national bank currency, and for other purposes."

Mr. SHERMAN. I will say to the Senate that this money does not come out of the Treasury, but comes out of the national banks. It is to provide for the appointment of clerks made necessary in the assorting of national bank notes. That is all there is of it.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. EDMUNDS. It is now ten minutes to six o'clock. I move that the Senate take a recess until half past seven o'clock.

Several SENATORS. Say eight o'clock.

Mr. EDMUNDS. Do you all say eight? ["Yes."] Very well, then, I will say eight o'clock.

Mr. MORRILL, of Maine. I want to be heard about that.

Mr. EDMUNDS. It is not debatable, but I do not object to the Senator stating his objection.

Mr. MORRILL, of Maine. Then I want to make a suggestion. We ought not to take a recess, in my judgment. If we do, I think we shall find it to be necessary to stay here another day. If we conclude this bill and send it to the House of Representatives by eight o'clock, in season to be acted upon there, and a conference ordered, on Monday morning we can bring this bill into the two Houses ready to finish it on the conference report. If we take a recess and come back here at half past seven or eight o'clock, the consideration of this bill will run into midnight, and the session will run into Tuesday necessarily. Therefore, I hope the Senate will stand by the bill and sit right straight on.

Mr. EDMUNDS. If the Senator in charge of this bill thinks the public interest requires that we should stay here now, I withdraw my motion.

Mr. MORRILL, of Maine. I would not say so if I did not sincerely feel that it was so.

The PRESIDING OFFICER. The Senator from Vermont withdraws his motion.

Mr. EDMUNDS. I take the judgment of the Senator from Maine. Now I hope we will go ahead.

Mr. FERRY, of Michigan. I have one objection to that, and it lies at the door of the chairman of the Committee on Appropriations. If he will yield the appropriation to which I refer I have nothing to say. I understand that a bill is pending awaiting the signature of the President establishing life-saving stations. The Committee on Appropriations is unwilling to appropriate for that object until that bill is signed by the President. As I understand, the President will return here at about ten o'clock and the bill will probably be signed then. If we go right on with this bill it will be concluded before that time and this appropriation will be shut out. There seems to be no objection whatever to the bill and doubtless it will be signed,

and I trust the committee will allow the proper appropriation to be made. It is for the saving of life.

Mr. MORRILL, of Maine. The committee have entertained that proposition.

Mr. EDMUNDS. There is no question of that kind now before us. Let us have the pending amendment.

Mr. FERRY, of Michigan. I am addressing myself to the chairman of the Committee on Appropriations, and I wish to be heard.

Mr. MORRILL, of Maine. I will say, in answer to the Senator's inquiry, that the committee have entertained that proposition and will have it ready the moment they have any information that the bill to which he has referred has become a law and put it on this bill. That can be done at any time before the bill passes from the cognizance of either branch. If the President does not choose to sign the bill, of course we cannot put on an appropriation to carry it out.

Mr. FERRY, of Michigan. Will it be entertained as between the two Houses so as to be subject to the action of the committee of conference?

Mr. MORRILL, of Maine. If the information that that bill has become a law should reach the House before they act upon our amendments, they can put on the appropriation there.

Mr. FERRY, of Michigan. Unless either House acts upon it then, it will not be a subject of controversy to be considered by the conference committee?

Mr. MORRILL, of Maine. The House have as deep an interest in it as we have, and they are very vigilant on that subject. If the President signs that bill before this one leaves either House, we can put the appropriation on this bill, and it seems to me that is the only security we have.

Mr. FERRY, of Michigan. What is the real objection, I will ask the chairman, to allowing the appropriations to be made now? It is a mere question of time.

Mr. SARGENT. I think the amendment the Senator refers to is in the bill. If he will look at page 4 of the bill, I think he will find it there.

Mr. BUCKINGHAM. It is on page 4, line 70.

Mr. SCOTT. I wish to offer an amendment if there is none pending.

Mr. EDMUNDS. Let us have the amendment reported that is pending.

The PRESIDENT *pro tempore*. The Clerk will report the pending amendment and the amendment to that amendment.

The CHIEF CLERK. The amendment is as follows:

For commencing the construction of a new building for the Library of Congress, \$200,000; and the Joint Committee on the Library of Congress, together with the Librarian of Congress, shall have supervision of the location and erection of said building; and said committee is hereby authorized to sit during the recess of Congress.

It is proposed to amend that amendment by substituting for it the following:

That the Joint Committee on the Library, together with the Librarian of Congress, inquire into the necessity of commencing the construction of a new building for the Congressional Library, or of enlarging the present rooms, or building, or both, as also upon what terms suitable ground can be obtained, and the probable cost of a new building, or enlargement, or both, and report at the next session of Congress.

The PRESIDING OFFICER. The Chair will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1774) for the relief of Matthias Whitehead;

A bill (H. R. No. 3257) authorizing the Secretary of War to sell un-serviceable ordnance stores, and for other purposes;

A bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

A bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes.

A bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan; and

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

The message also announced that the House insisted on its amendment to the bill (S. No. 733) regulating gas-works, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses, and had appointed Mr. W. L. SESSIONS of New York, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. STEVENSON ARCHER of Maryland, managers at the same on its part.

The message further announced that the House had agreed to the

amendment of the Senate to the amendment of the House to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, further insisted on its disagreement to the amendments of the Senate, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY H. STARKWEATHER of Connecticut, Mr. JAMES B. BECK of Kentucky, and Mr. J. P. C. SHANKS of Indiana, managers at the same time on its part.

#### INDIAN APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate insist on its amendments to the Indian appropriation bill and agree to the conference asked by the House.

Mr. EDMUNDS. I should like to know what the matter is about this Indian bill.

Mr. WINDOM. I will state it, if the Senator will permit me.

Mr. EDMUNDS. I wish to ask the Senator from Maine, at whose request we are sitting here to-night on the sundry civil bill, why we do not go on with that bill, in the first place?

Mr. MORRILL, of Maine. It seems to me it is desirable that we should have a conference appointed on the Indian bill.

Mr. EDMUNDS. Very well; that being so, I should like to have this matter explained.

Mr. WINDOM. The point of disagreement is with reference to the appropriation for the Apaches in Arizona and New Mexico.

Mr. EDMUNDS. How much did we appropriate?

Mr. WINDOM. The Senate appropriated \$700,000. The appropriation last year was \$750,000, and the year before \$825,000, I think. The committee of conference reduced it to \$550,000, the reduced estimate of the Department, and the House disagreed to it.

Mr. EDMUNDS. Then I wish to ask the Senate what attitude we shall be in if we do not agree to the further conference, but stand upon the position we have already taken?

Mr. WINDOM. I ask to have a further conference.

Mr. EDMUNDS. Yes, I see the Senator does; but I want to have the Senate vote and leave it to the House to determine, if it is reduced to that, whether they will accede to this \$500,000 or take nothing. That is what I want to have understood. Inasmuch as we are appropriating money out of the Treasury, if the House of Representatives have got to the point that they are willing not to have any appropriation at all and refuse to vote any because we will not appropriate as much as they say, then I think it high time that the Senate should meet them upon that ground.

Mr. SARGENT. We appropriated a little more than they want.

Mr. EDMUNDS. But the committee of conference have agreed to reduce it to \$550,000, and when their committee make that report, the House say they will not have it reduced to \$550,000; so that I am correct in saying that the point of difference between the two Houses is now that they refuse to agree to this appropriation bill unless we add more money to the appropriation than the committee of the House and the committee of the Senate have agreed would do for this occasion. Now, if we can reach that point and vote, without any further conference on the subject, so as to adhere to our position, I wish to do it. Whether we can or not, the gentleman in charge of the bill can say.

Mr. SARGENT. I should like to inquire if the effect of a vote to adhere is not to kill the bill? Of course we do not want to kill the bill, because it would be an immense labor to get the bill up again. Perhaps the better way would be to insist and grant the conference for fear that a vote to adhere would kill the bill.

Mr. EDMUNDS. No, it will not kill the bill. I make this motion on the statement of the Senator from Minnesota. It has been suggested by my honorable friend from Maine, [Mr. HAMLIN,] who is extremely familiar with parliamentary law as he is with all other law, that we can reach this point by agreeing ourselves to the report of our committee of conference.

Mr. WINDOM. We have already agreed to it.

Mr. EDMUNDS. Very well; then we have agreed to the report of the committee of conference on our side. Now, the House of Representatives say they do not agree. I move that the Senate insist upon its agreement to the report of the committee of conference and decline the further conference proposed by the House, and then it will be for the House to say whether they will recede, or whether they will still adhere to their determination that they shall take \$250,000 more out of the Treasury than we are willing to give or hazard the passage of the bill.

Mr. WINDOM. I do not understand the statement of the Senator from Vermont. The House insists upon a less appropriation.

Mr. EDMUNDS. No. The Senator has stated that the conference committee agreed upon \$550,000 and the original bill stood at \$750,000.

Mr. WINDOM. That was the amendment of the Senate.

Mr. EDMUNDS. Now the House declines to agree to that report.



Mr. SARGENT. But they themselves insist on some \$400,000.

Mr. EDMUNDS. Then I retract all that I have said and am in favor of agreeing with the House.

Mr. SARGENT. If the Senator will allow me, it involves another question which was fully argued and determined by a vote of three-fourths of the Senate. We have rescued the Territory of Arizona from a state of lawlessness; we have made it a quiet, peaceable Territory under the peace policy which has been pursued by the President and enforced by the military arm. We have put the Indians on four reservations on which not a grasshopper is grown. We have told them, "Stay there; if you leave we will shoot you down like wolves." Now, the question is whether we will keep our faith with them. We said that if they staid there we would feed them. To feed them will cost the amount of the revised estimate of the Department, which is but \$550,000.

Mr. EDMUNDS. I should be glad to know how it has happened that the United States has put these Indians upon four reservations where not a grasshopper is to be grown, as the Senator puts it.

Mr. SARGENT. It is nevertheless true.

Mr. EDMUNDS. I should like to know from the chairman of the Committee on Indian Affairs, whom we all know to be a humane man, if the Senator from California is correct that we have forced these Indians on a poor, barren reservation? That is what the Senator means when he says there is not a grasshopper there—

Mr. SARGENT. That is what I mean.

Mr. EDMUNDS. If it is possible that this nation has driven these Indians, no matter whether they are savage or tame, into a contracted region of country that we call a reservation, where they cannot subsist themselves or pursue agriculture; in other words, if they are penned up in a barren place, I should like to have the chairman of the Committee on Indian Affairs tell us now, for this is the best possible opportunity, whether that is so, and if it is so, how it happened.

Mr. BUCKINGHAM. I can hardly say how it happened, because it happened some time ago; but this I believe is true, that the Apaches are on reservations where they are unable by any means at their command to sustain themselves. While they are compelled by law to remain on these reservations, yet we having declined to feed them according to the agreement they have been in a state of starvation, and obliged at times either to starve or leave the reservation for the purpose of obtaining a living. Those I believe are the facts in regard to the Apaches. Whatever mistake we have made cannot be remedied now that I know of; but there is a necessity, if we would retain them and keep them alive, to feed them, otherwise we should put them on a better reservation.

Mr. EDMUNDS. It ought to be provided for. It is amazing.

Mr. SARGENT. I call for the question upon insisting and agreeing to the further conference.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate further insist on its amendments to the Indian appropriation bill and agree to the conference asked by the House of Representatives.

The motion was agreed to.

The PRESIDENT *pro tempore* was authorized, by unanimous consent, to appoint the committee; and Messrs. SARGENT, BUCKINGHAM, and GORDON were appointed the conferees on the part of the Senate.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. WRIGHT] to the amendment of the Senator from Wisconsin, [Mr. HOWE.]

Mr. FRELINGHUYSEN. It seems to me that it would be wisest to place this provision as the Committee on the Library want to have it. They have thought of this subject and it has been committed to them; and as they prefer that this amendment should not be adopted, I think we had better so vote.

Mr. WRIGHT. I will state my object in offering the amendment. I had very great doubts from the expression given by the Senate whether the Senate were prepared to adopt the amendment suggested by the Committee on the Library. I thought a fair compromise would be to have this matter go to the committee to consider the question during the recess. My proposition is that they shall examine as to suitable grounds and the probable expense and to report at the next session of Congress. It occurred to me that it were better, in view of the condition of our finances and in view of the apparent indisposition on the part of the Senate to go into this measure at this time, that they should investigate the question and report, and then we could dispose of it at the next session after having a full examination and report. I have no doubt myself as to the necessity of some action on this subject, and I shall vote very cheerfully for the proposition of the committee if it is not deemed by the Senate better to refer it to the committee to investigate during the recess.

Mr. HOWE. I want to remind the Senate once more that the Librarian has been year after year expounding the necessity of this structure and he cannot possibly add anything to what he has testified on the subject. Now, the Senator says he doubts whether the Senate is prepared to agree to this amendment I have offered. Just

let him withdraw his proposition for the present and take the sense of the Senate. After my amendment shall have been improved according to the suggestion of the Senator from Vermont, then take the sense of the Senate on that amendment. If they are not willing to agree to it, then we can hear what the Senate has to say on the amendment of the Senator from Iowa. I wish he would do that.

Mr. WRIGHT. I think the better way is to take the sense of the Senate on the proposition I stated. If the Senate is in favor of the proposition of the committee, as a matter of course they will vote this down.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Wisconsin.

The question being put, there were on a division—ayes 21, noes 17.

Mr. HOWE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. The Senator from Rhode Island [Mr. SPRAGUE] wants to know what the question is. I wish it could be stated by the Chair, or I will state it myself.

Mr. SPRAGUE. State it yourself.

Mr. HOWE. The Joint Committee on the Library instructed its chairman to move an amendment appropriating \$200,000 to commence enlarging the library or building a new library. The Senator from Iowa thinks that we are not sufficiently enlightened about the necessity for these additional accommodations, and therefore proposes as a substitute an amendment which requires the Committee on the Library to report next winter upon the necessity of a new library and the cost of it. I have urged him to withdraw that amendment, reminding him that it is utterly impossible for the committee to tell you anything next winter that you do not know to-day. The Librarian has been urging this work for several years. His library is cluttered with books that cannot be shelved. Under the operation of the copyright laws and the purchases the accumulations are from thirty to forty thousand volumes per year.

Agreeing to the amendment of the Senator from Iowa is simply deciding against taking any step to provide for this want. I really hope if the amendment of the Senator from Iowa should be adopted as a substitute for the amendment I moved, that then the substitute would be negative, for it seems to me it would be utterly useless, imposing a labor on the committee which can do no good whatever.

Mr. ALCORN. Senators in the vicinity where I sit are entirely satisfied on all points save one. We are entirely satisfied over here that more room is needed for the library and that an extension of the building is necessary. Every one who regards the ratio in which the books of this country are increasing yearly knows that we must have more room, and what will become of the books that will accumulate in the next twenty-five years is a question that I will not undertake to consider just now. But I say we are satisfied in regard to the necessity for more room. That point is fixed. We are satisfied that this \$200,000 is only a beginning; and the only difficulty is, where will you locate the building? We simply do not want it located away off somewhere where it will be inaccessible. Where will you locate it? Within the grounds surrounding this Capitol? If you say there is where you are going to locate it, so far as I am concerned I will vote with the Senator from Wisconsin. So far as the \$200,000 is concerned, that is a mere beginning. Let it cost \$10,000,000. The library must be had; it is a necessity indispensable—something you cannot do without. You must have it, cost what it may. The only point that I am here hesitating upon is as to where the library shall be located.

Mr. HOWE. Let me tell my honorable friend that the Library Committee has taken no action upon that point.

Mr. ALCORN. That is the very point. There is where the shoe pinches. I wish the Library Committee to just indicate where they intend to put this library, because that is a question that we want to talk about.

Mr. HOWE. Now, if my friend will just propose a place—

Mr. ALCORN. I have no place to propose, but I want it within reach of the Capitol, close by; but that is a question that I have not investigated, and I now understand that the Committee on the Library have not investigated it.

Mr. HOWE. The Committee on the Library have not considered that question.

Mr. ALCORN. That is their business, not mine.

Mr. HOWE. It will be yours if you instruct them to do it, but you see how it is right here in the Senate. Here are very decided opinions expressed already that this additional accommodation ought to be obtained by enlarging the Capitol either to the west or the east. On the contrary, my excellent friend from Vermont protests that you must not provide for it in that way. Some Senators have suggested one square near the Capitol; other Senators have suggested another square. I am perfectly willing to settle the question of location right here in the Senate if you will make a proposition. If you will not make a proposition, then I ask you to trust somebody, and I do not care who it is, the Secretary of the Interior, the superintendent of public buildings and grounds, the Committee on Public Buildings and Grounds. Only take a step; that is what I ask.

Mr. OGLESBY. The chairman of the Committee on Appropriations has indicated to the Senate a desire to go on with the bill before us, so as to have it completed by eight o'clock. I am a faithful, diligent,

persistent participator and listener as that bill is going through the Senate. I have tasted nothing in the way of substantial to rely on since morning. If all these amendments are to be debated on a proposition for the beginning of a new library building, the chairman of the committee must perceive that eight o'clock will arrive long before we can begin to tell whether the new library will be put in the east part of the city, the west part, the north part, or over in Virginia, or here about the Capitol. It is perfectly obvious that the Senators are not in a condition to vote satisfactorily on this question. The Library Committee has been perfectly candid about it, and one of the gentlemen on the Committee on Public Buildings and Grounds has been very candid and told us that this \$200,000 is but a beginning; it may cost a million, it may cost two millions, it may cost three; it probably will cost five millions, and we have not the remotest idea in voting upon this grave question whether it is to be connected with the Capitol, a part of the Capitol, on the public grounds of the nation, or new grounds to be bought for the purpose. The question is too grave, the subject too important, to be shuffled and scuttled around in this way. I think we had better go to dinner. If I had any hope that the chairman of the Committee on Appropriations could go on with his bill and get it through by eight o'clock, I would sit willingly and patiently.

Mr. SARGENT. Let us try.

Mr. OGLESBY. But if these debates are to go on continually, we shall not get through by midnight. I am opposed to this whole library business. I hope it will stand stock still where it is.

Mr. FERRY, of Michigan, (at six o'clock and twenty minutes p. m.) To relieve the Senator from Illinois, I move that the Senate take a recess until eight o'clock.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. I wish to say a word.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL, of Maine. I only wish to say a word. If Senators do that thing, they do not adjourn on Monday according to my notion of the public business. That is all I have to say.

Mr. CHANDLER. I wish to say that I desire to-night to call up and pass the river and harbor bill, and I shall ask the Senator from Maine to give way to that. I think we can pass it in thirty minutes now.

Mr. FERRY, of Michigan. I merely want to say that if we are to sit up all night we ought to have an opportunity to place ourselves in a position, with a full stomach, where we can stand these big bills.

Mr. SARGENT. We can pass the bill in ten minutes if Senators will let us do so.

The question being taken by yeas and nays, resulted—yeas 13, nays 34; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Ferry of Michigan, Hager, Hamilton of Texas, Ingalls, McCreery, Merrimon, Mitchell, Oglesby, Pratt, and Robertson—13.  
NAYS—Messrs. Allison, Anthony, Boutwell, Carpenter, Chandler, Clayton, Conover, Cooper, Davis, Dennis, Edmunds, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Maryland, Hamlin, Harvey, Hitchcock, Howe, Johnston, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Schurz, Scott, Sherman, Spencer, Sprague, Stewart, Washburn, West, and Wright—34.

ABSENT—Messrs. Boreman, Brownlow, Buckingham, Cameron, Conkling, Cragin, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Jones, Kelly, Lewis, Logan, Morton, Norwood, Patterson, Pease, Ransom, Saulsbury, Stevenson, Stockton, Thurman, Tipton, Wadleigh, and Windom—26.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Iowa [Mr. WRIGHT] to the amendment of the Senator from Wisconsin, [Mr. HOWE,] upon which the yeas and nays have been ordered.

Mr. ROBERTSON. By voting for the amendment of the Senator from Iowa do we vote against the amendment of the Senator from Wisconsin?

The PRESIDENT *pro tempore*. The Senator from Iowa proposes his amendment as a substitute for the amendment of the Senator from Wisconsin. Those in favor of the amendment of the Senator from Iowa will answer "yea," those opposed "nay."

The question being taken by yeas and nays, resulted—yeas 27, nays 15; as follows:

YEAS—Messrs. Alcorn, Bogy, Chandler, Clayton, Cooper, Davis, Dennis, Ferry of Michigan, Flanagan, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Johnston, Jones, McCreery, Merrimon, Morrill of Vermont, Oglesby, Pratt, Ramsey, Ransom, Robertson, Sherman, Washburn, and Wright—27.

NAYS—Messrs. Allison, Bayard, Buckingham, Edmunds, Frelinghuysen, Hamlin, Howe, Ingalls, Mitchell, Morrill of Maine, Sargent, Schurz, Spencer, Sprague, and West—15.

ABSENT—Messrs. Anthony, Boreman, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Gordon, Harvey, Kelly, Lewis, Logan, Morton, Norwood, Patterson, Pease, Saulsbury, Scott, Stevenson, Stewart, Stockton, Thurman, Tipton, Wadleigh, and Windom—31.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the amendment as amended.

Mr. HOWE. Mr. President—

Mr. SARGENT. O, let it go.

Mr. HOWE. No; I beg pardon. I hope the Senate will indulge me now by laying this amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves to lay the amendment on the table.

Mr. HOWE. I will move that in a moment. I ask this as a matter of justice.

Mr. SARGENT. That will dispose of the whole matter.

Mr. HOWE. I have said over and over again that we really cannot do anything that will be of any service. I accept the judgment of the Senate that they do not wish to enter on this work. I abide by that; it is conclusive. I move now to lay the amendment on the table.

The motion was agreed to.

Mr. SARGENT. On behalf of the Committee on Appropriations, I offer the following amendment, to come in on page 50, after the word "section," on line 1232:

But nothing herein contained shall be construed to affect the present jurisdiction of the Second Comptroller of the Treasury in this class of cases.

Mr. EDMUNDS. I should like to know what that means.

Mr. SARGENT. If you will read the preceding words you will see that the clause devolves certain duties on the Third Auditor of the Treasury, which is a provision of the House bill that the Senate has not changed; but the Second Comptroller has an idea that that provision may dispense with his supervision of that class of cases.

Mr. EDMUNDS. Does this add another check?

Mr. SARGENT. It retains the present one, and clears up any obscurity.

Mr. EDMUNDS. And is an additional security against wrong on the Treasury above what this section prescribes?

Mr. SARGENT. That is what we think at any rate. Probably the person who draughted this clause did not intend to dispense with the scrutiny of the Second Comptroller in these matters, but there is a fear that it does do it, and we want to make it clear that it does not.

Mr. EDMUNDS. I understand the Senator then to say that the effect of this is to require the *imprimatur* of two officers instead of one for the passage of these claims?

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. Then the Senator is right.

The amendment was agreed to.

Mr. SARGENT. On page 54 I offer an amendment, which is made necessary by the changes which have been made in the pension laws requiring \$300,000 for the Army of the United States for this year. I move to insert after line 1323:

For Army pensions and expenses thereof, under the various acts of Congress, \$300,000, or so much thereof as may be necessary, to be available immediately.

The amendment was agreed to.

Mr. SARGENT. I offer another amendment from the Committee on Appropriations and I believe it is the last one we have. It is to come in on page 60, after line 1463:

For the continuation of the work on the new jail in the District of Columbia, \$100,000.

Mr. EDMUNDS. What Department does that come from?

Mr. SARGENT. From the Interior Department.

Mr. EDMUNDS. I should like to see the authority.

Mr. SARGENT. I will give it to you. I have it here in my hand. Does the Senator wish these documents read? [Holding up a bundle of papers.]

Mr. EDMUNDS. No; I do not. I am satisfied the jail here ought to be enlarged and made as perfect as possible.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to come in after line 849, on page 35:

For the maintenance and support of the Hydrographic Office, including surveys of ocean currents, reefs, and shoals, and incidental expenses, \$50,000.

Mr. EDMUNDS. Where does that come from?

Mr. BUCKINGHAM. I will say that it comes with the recommendation of the Secretary of the Navy and is also approved by the Committee on Commerce, and is recommended and strongly urged by the insurance companies and underwriters in New York. I will state still further that this Hydrographic Office prepared within the year ending June 30 last not less than one hundred and nineteen charts and several publications which are useful for seamen, such as instructions, &c., which are regarded as exceedingly important, but they have no means of publishing them. They want two sets of surveyors for service in foreign waters where they make the surveys which relate to reefs, shoals, and dangerous coasts. These maps and charts are interchangeable with like products from foreign countries.

Mr. EDMUNDS. We all understand it.

Mr. BUCKINGHAM. If nothing further is necessary to be said I will say no more.

Mr. MORRILL, of Maine. That is strongly recommended.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment to come in on page 54, after line 1317:

For this amount, or so much thereof as may be necessary, for presents to the Sioux of the Red Cloud and Whetstone or Spotted Tail agencies, on condition that said Indians shall relinquish their right, under treaty stipulation, to hunt in Nebraska, \$25,000.

By treaty with these Indians made in 1868 they have the right to hunt in the northern part of Nebraska as far as the Platte River. To these agencies from the northern part of the Sioux country has frequently come down a large number of Sioux who are not easily controlled, and they have come when those who belong to the reserva-



tions have been on their hunt. The consequence has been that property has been stolen and murders have been committed at these particular times. It is regarded as very desirable both by the Secretary of the Interior and by the Indian Bureau, as well as by those who have charge of these agencies, that these Indians should relinquish the right to hunt on those plains; and it is for the purpose of persuading them to do so that this amendment is proposed.

I now beg leave to withdraw my objection to the consideration of the resolution offered by the Senator from South Carolina, [Mr. PATTERSON,] not that I approve of it, but I have no objection to its being considered.

The PRESIDENT *pro tempore*. That is not now before the Senate. The sundry civil appropriation bill is pending.

Mr. PRATT. I offer the following amendment, to come in on page 56, line 1358, after the word "dollars:"

*Provided*, That the clause in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, in these words: "That no claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion shall be audited or paid unless presented before the end of the fiscal year ending June 30, 1874," shall not be construed to embrace the claims of States for collecting, drilling, organizing, &c., troops for the United States service.

Mr. EDMUNDS. I make the point of order upon that. It is a legislative provision sought to be introduced into this bill.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. PRATT. What shall I understand to be the ruling of the Chair?

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. PRATT. That the amendment is in the nature of a legislative provision?

The PRESIDENT *pro tempore*. Certainly.

Mr. PRATT. May I inquire of the Chair what rule prohibits that?

The PRESIDENT *pro tempore*. It is the rule recently adopted. The rule will be read by the Clerk.

The Chief Clerk read as follows:

*Resolved*, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate, and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received.

Mr. PRATT. Mr. President—

#### DISTRICT GOVERNMENT.

Mr. ALLISON. I ask the Senator from Indiana to give way until I make a report. The Joint Select Committee to investigate the Affairs of the District of Columbia, to whom was referred the President's message, received this morning, have directed me to make report. I ask that the report be read.

The Chief Clerk read as follows:

The Joint Committee on the Affairs of the District of Columbia, to whom was referred the message of the President relative to "one feature of the bill entitled an 'Act for the government of the District of Columbia, and for other purposes,'" report:

That the investigation made by this committee discloses the fact that much of the indebtedness proposed to be funded into the bonds provided for was created when there was no adequate provision for payment and upon a basis of credit—the contractors understanding at the time that they were to receive evidences of indebtedness, the time of payment of which was uncertain—by reason whereof these evidences were depreciated in value. And while there were no means whereby the committee could determine the matter with absolute certainty, after giving the subject careful consideration, they believe that a bond of the character provided for would be, as a rule, fully equal in value to what the contractors expected to receive under their contracts. Besides this, the funding proposed is permissive and not compulsory. The creditors have all the security they had when the debt was created and in addition the option to accept the bonds provided for. No injustice, therefore, will be done to any creditor who shall take such bonds in lieu of the securities he now holds. The idea that there is anything like repudiation in the bill is a mistake. The bill does not compel any holder of District securities to take bonds for them. It merely gives him the option to do so, or to retain them and receive payment thereof when the District may be able to pay. The changes made in regard to the District government do not discharge or impair its contracts or liabilities. The bill, therefore, is not repudiation, nor is it unjust to any holder of the District securities which may be funded under it. As to small creditors, as such laborers and so forth, the bill contemplates their payment in money.

For the reasons above given, and also because it would be unwise in the opinion of your committee to set an example of issuing fifty-year bonds bearing a higher rate of interest than 3.65 per cent., they fixed that rate in the bill; and their opinion remains unchanged. That there may be no misapprehension as to the pledge of the United States we here repeat in the exact words of the bill: "And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity."

Your committee ask to be discharged from the further consideration of the message.

WILLIAM B. ALLISON.  
A. G. THURMAN.  
WILLIAM M. STEWART.  
J. M. WILSON.  
LYMAN K. BASS.  
ROBERT HAMILTON.  
JAY A. HUBBELL.  
HUGH J. JEWETT.

Mr. ALLISON. I will only add to the report that the committee have the best reasons for stating that the President, after being made

familiar with all the facts and circumstances, is satisfied with the provision in the bill.

Mr. SARGENT. That is an extraordinary statement to accompany the report. I think it is rather an improper statement to make on the floor of the Senate. I call the Senator to order.

Mr. THURMAN. It is not out of order, I submit to my friend from California. It is out of order to allude to the opinions of the House of Representatives or of the President to influence legislation; but here was a message of the President in respect to a particular feature in the bill—

Mr. SARGENT. Allow me, with all due respect to the Senator from Ohio himself and to the Senator from Iowa, to suggest that I understood the Senator from Iowa to state that he thought the President was now satisfied that this bill was right, notwithstanding this afternoon he sent in his veto. I thought that was an extraordinary statement and one that must have been intended to influence the votes of Senators.

Mr. THURMAN. There is no vote of the Senate to be taken nor any veto of the bill.

The PRESIDENT *pro tempore*. The message of the President did not return the bill.

Mr. THURMAN. Therefore there was nothing improper in what the Senator from Iowa said.

Mr. SARGENT. Then I withdraw the remark. I misunderstood the case.

The PRESIDENT *pro tempore*. The Chair thinks the remark was not out of order. There is no vote to be taken on the subject.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. C. D. MACDOUGALL of New York, Mr. JOHN B. RICE of Illinois, and Mr. R. MILTON SPEER of Pennsylvania, managers at the same on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. OMAR D. CONGER of Michigan, Mr. FREDERICK G. BROMBERG of Alabama, and Mr. JAMES T. RAPIER of Alabama, managers at the same on its part.

The message also announced that the House had passed the bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky; in which it requested the concurrence of the Senate.

The message further announced that the House had appointed Mr. CHARLES O'NEILL, of Pennsylvania, a manager at the second conference on the part of the House in place of Mr. HENRY A. STARK-WEATHER, of Connecticut, excused, upon the bill (H. R. No. 2342) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

Mr. PRATT. I do not wish to wrestle with the decision of the Chair if the Chair has examined the clause of the bill to which my amendment relates. I will read it:

To indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, \$250,000.

Mr. EDMUNDS. I wish to ask the Senator if he appeals from the decision of the Chair? I merely do it in the interest of getting on. I should be very glad to hear the Senator, but I want to know where we are.

Mr. PRATT. I wish to know what the decision of the Chair is after I have called the attention of the Chair to the appropriation to which my amendment relates. I think the Senator from Vermont will not object. Here, then, is an appropriation of \$250,000 for the purpose of indemnifying the States for expenses incurred in enrolling, equipping, and transporting troops for the defense of the United States. Now there is a statute in force, passed about a year since, that the accounting officers of the Treasury construe to amount to a positive bar against the States prosecuting claims against the General Government after the 30th day of this present month. This amendment recites the law. It was a part of the legislative appropriation bill a year ago. It reads as follows:

That no claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion shall be audited or paid unless presented before the end of the fiscal year ending June 30, 1874.

The accounting officers of the Treasury are disposed to construe that as including the States who hold such claims as these against the General Government. Now, you perceive that if this law be susceptible of such a construction, the appropriation which I have just re-

cited here is vain, because upon the 30th of June this bar immediately takes effect prohibiting the accounting officers of the Treasury from examining these claims. Therefore it does seem to me that this amendment is in aid of this appropriation. It seeks to remove a bar to this appropriation being carried out. I respectfully submit these reasons to the Chair why its decision should not stand. I do not wish to prosecute an appeal, of course.

The PRESIDENT *pro tempore*. The Chair has listened to the remarks of the Senator out of respect to his opinion and reconsidered the question, but the Chair is still of opinion that this is clearly a matter of legislation. It does not give any different direction to the \$250,000 appropriated, but it repeals an independent provision of a former statute. That must be legislation in the opinion of the Chair, and must be out of order under this very strict rule which requires that the amendment shall "directly relate" to the appropriations in the bill.

Mr. PRATT. I should hope there might be unanimous consent that this amendment might be ingrafted on the bill.

Mr. EDMUNDS. I would agree to give unanimous consent but that I think the appropriation ought to be struck out altogether. Here we are, ten years after the war has ended, providing for paying States for equipping and drilling troops.

Mr. MITCHELL. I arise to a point of order that there is nothing before the Senate.

Mr. EDMUNDS. The bill is before the Senate. I have not the least objection to the Senator from Oregon offering an amendment as I see he desires to do; but I do not propose to be taken off my feet on a point of order when we have the bill up. Now I take my seat.

Mr. PRATT. I believe the statute of limitations did not run against a New England State though the claim originated in 1812.

Mr. MITCHELL. I offer the following amendment which I am authorized to offer by two committees, the Committee on Appropriations and the Committee on Military Affairs. On page 25, after line 598, insert:

For this amount, or so much thereof as may be required to meet certain indebtedness on account of the Indian service at the Malheur reservation, in Oregon, during the fiscal year ending June 30, 1874, \$16,145.

Mr. EDMUNDS. I should like to hear that explained, reserving the point of order upon it.

Mr. MITCHELL. I will state for the benefit of the Senator from Vermont that at the time the deficiency bill was under consideration, in consequence of a mistake in the Interior Department no estimate for this had come in, though the reservation had been set apart. After that the mistake was discovered, and the Secretary of the Interior sent letters to the chairman of the Committee on Indian Affairs stating the fact of the deficiency and also the reasons why it was not included in the deficiency estimates and urging upon the chairman of the Committee on Indian Affairs that it be inserted in this bill.

Mr. EDMUNDS. Who wrote the letter?

Mr. MITCHELL. The Commissioner of Indian Affairs, indorsed by the Secretary of the Interior.

Mr. EDMUNDS. What is this "certain indebtedness" mentioned in the amendment? What is it for? Whom is it owing to?

Mr. MITCHELL. It is owing to different parties. These debts were incurred by the agent at the Malheur reservation; they are of the same character as other deficiencies that were included in the deficiency bill.

Mr. EDMUNDS. It is to provide for the payment of private claims. The Senator says here are various people who have debts against this agency; therefore the amendment is evidently not in order. We ought not to consider it now.

Mr. MITCHELL. It is not a private claim, as I understand, by any law.

Mr. EDMUNDS. The Senator has stated frankly—and as he is a gentleman he would of course be frank—that here are certain debts incurred by an Indian agent to private persons for this, that, and the other, and he wants to have those debts paid.

Mr. MITCHELL. This simply provides that this amount shall be appropriated and placed at the disposal of that agent.

Mr. EDMUNDS. Certainly; "to pay certain indebtedness."

Mr. MITCHELL. That is it exactly.

Mr. EDMUNDS. It is "to provide," in the very language of the rule, "for the payment of a private claim." Now let me hear the letter.

Mr. MITCHELL. The letter is in possession of the chairman of the Committee on Appropriations.

Mr. MORRILL, of Maine. Then the chairman of the committee can attend to it.

The PRESIDENT *pro tempore*. The amendment is clearly out of order, in the opinion of the Chair.

Mr. MITCHELL. I now offer the following amendment:

For the necessary expenses of the land office at the Dalles, Oregon: For salaries and commissions of the register and the receiver for the fiscal year ending June 30, 1875, \$6,000; and for incidental expenses of said officers, \$1,000.

Mr. EDMUNDS. Where is the estimate for that?

Mr. MORRILL, of Maine. I think that is allowable. It is to provide for an office created by law at this session.

Mr. EDMUNDS. All right.

The amendment was agreed to.

Mr. MITCHELL. I offer another amendment, to come in on page 46, after line 1122:

For the construction of a range-light on Sand Island, at the mouth of Columbia River, Oregon, \$25,000.

For a fog-signal on Sand Island, at the mouth of Columbia River, \$10,000.

Mr. MORRILL, of Maine. I do not know what to say about that. Mr. MITCHELL. I hold in my hand a letter from the chairman of the Light-House Board.

Mr. MORRILL, of Maine. I want to hear it explained.

The PRESIDENT *pro tempore*. The question is on the amendment. Those in favor—

Mr. EDMUNDS. I do not intend that this amendment shall be adopted without our understanding it.

The PRESIDENT *pro tempore*. The Chair has no alternative but to put the question.

Mr. EDMUNDS. And the Senator from Vermont has no alternative but to get up and address the Chair. Now I ask the Senator from Oregon, because I am interested, as representing certain taxpayers, in this question as well as the Senator in charge of this bill, to tell us where his authority is for this amendment, what committee has reported it, what reference has been made of it to the Committee on Appropriations, what their judgment is upon it, and what estimate of the head of a Department, according to the rule, is the authority for this proposition.

Mr. MITCHELL. I will state that this improvement was petitioned for very largely by all the mariners along the line of this river. The petition was sent to the Secretary of the Treasury with a letter written by myself asking a recommendation from the Light-House Board. The letter and petition were referred to the Light-House Board. At the same time or about the same time I presented this amendment to be offered to this bill, and it was referred to the Committee on Appropriations. I understood that I was authorized by that committee to offer the amendment. I have a letter in my desk from the chairman of the Light-House Board strongly recommending the appropriation.

Mr. MORRILL, of Maine. I understand the Senator has sent a proposed amendment to the Committee on Appropriations. He gave us notice of his intention to offer his amendment on this bill. Here [exhibiting a bundle of papers] is a large package of such amendments, amounting to one hundred perhaps in all. The course the committee are obliged to take on these questions I may state—and that will explain to the Senator the action of the committee in this particular—is this: where amendments are accompanied with such papers as enable the committee to form a judgment, we pass upon them; where they are not, we leave those who submit them to make out their case in the Senate. The Senator has got the documents on which he relies. He is at liberty to move his amendment here and support it as he can from the documents he has.

Mr. MORRILL, of Vermont. It seems to me that the Senator from Oregon has done all that he could be required to do in this case. He has the recommendation of the Secretary of the Treasury.

Mr. EDMUNDS. Let us hear it read.

Mr. MORRILL, of Maine. Let the letter be sent to the Chair and read.

Mr. EDMUNDS. I want to hear the authority read, because I intend that the Secretary of the Treasury shall be responsible for this appropriation if it is made. It may be perfectly right, and I am sure the Senator from Oregon will not misunderstand me when I wish to know that the executive department of the Government is responsible for this being put into the bill. When I ascertain that, then it may make a difference with my opinion upon the subject. If the Senator will be kind enough to send the estimate of the head of the Department recommending this appropriation to the desk that it may be read to us, then we shall know that the Department is responsible.

Mr. MITCHELL. I have here all the correspondence, and I send it to the desk to be read.

The PRESIDENT *pro tempore*. The papers will be read if there be no objection.

The Secretary read as follows:

UNITED STATES SENATE CHAMBER,  
Washington, June 8, 1874.

DEAR SIR: I desire to call your special attention to a matter connected with the commerce of the Columbia River, Oregon, with a view of procuring from you a recommendation for an appropriation at the present session of Congress for the construction of a range-light and fog-signal on Sand Island near the mouth of the Columbia.

It is a fact which of course has not escaped the attention of your department, that the commerce of the Columbia River has within the past few years increased with a rapidity that has been both wonderful and gratifying.

The great agricultural productions of Oregon, especially wheat, have attracted European ships to the ports of Portland and Astoria in scores. Nearly three hundred vessels entered the mouth of the Columbia from the ocean last year. As this commerce has gradually increased and as delays and disasters multiply, the necessary facilities for the protection of that commerce became apparent.

Having a personal acquaintance with most of the sea-faring men engaged in that trade, I have during the past year endeavored to inform myself as to their opinions as to any further aids necessary, and I find that but one opinion exists both among those engaged in navigating these waters and citizens who have for years resided near the Columbia in Oregon and Washington Territory, and that is that among the improvements imperatively demanded is a range-light and fog-signal on Sand Island, and it is asserted confidently that by reason solely of the absence of these aids steamships from San Francisco are frequently delayed at sea from twelve to fifteen hours.

Inclosed I transmit a petition signed by all the leading citizens of Astoria and vicinity, including the collector of the port, praying an appropriation for this purpose. I therefore respectfully urge that a recommendation from your department



may be given in favor of an appropriation at the present session of Congress for the construction of a suitable range-light and fog-signal at the port above designated. Should you make the recommendation, please state the amount necessary for such purpose. And as the appropriation bill will soon come up for consideration in the Senate, I will be gratified with an early reply.

Respectfully,

J. H. MITCHELL.

Gen. A. A. HUMPHREYS,  
*Chief of Engineers, United States Army.*

Mr. WEST. With all due respect to the Senator from Oregon, we want a communication from the authoritative head of a Department and not from the Senator.

Mr. MITCHELL. I desire to have the whole correspondence read as it was called for, so that the matter may be understood.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD.  
Washington, June 20, 1874.

SIR: I have the honor to transmit a petition of certain citizens for a light on Sand Island, Oregon, which has been forwarded to the board by Hon. J. H. MITCHELL, United States Senator, and to request that you, as chairman of the committee on lighting, will report upon it as early as possible, that Mr. MITCHELL may be notified without delay.

It was intended to bring this matter up before the board at its session on the 17th instant, but time did not permit.

The inclosures are as follows, and their return is respectfully asked:

1. Letter of Hon. J. H. MITCHELL, United States Senator, dated June 8, 1874, transmitting

2. Petition.

Very respectfully,

PETER C. HAINES,  
*Engineer Secretary.*

C. P. PATTERSON, Esq.,  
*Chairman Committee on Lighting.*

OFFICE OF LIGHT-HOUSE BOARD,  
Washington, June 20, 1874.

SIR: The committee on lighting, to whom was referred the letter of Hon. J. H. MITCHELL, United States Senator, and petition of a number of citizens of Oregon for a range-light and fog-signal on Sand Island, at the entrance of the Columbia River, beg leave to report that they have carefully considered the matter and urgently recommend that an application may be made to Congress for the necessary appropriation for the erection of these safeguards to the great and constantly increasing commerce of the Columbia River. The amount required for the range-light is \$20,000, and for the fog steam-signal \$10,000, making a total of \$30,000.

Very respectfully,

C. P. PATTERSON,  
*Chairman Committee on Lighting.*

Professor JOSEPH HENRY,  
*Chairman Light-House Board, Washington.*

Mr. WEST. There is no measure that I would be more inclined to assist than anything that would promote the safety and security of the transit of the bar of the Columbia River, having some knowledge of the difficulties there; but the Senate is now about to depart from a rule that shuts out in a great many instances other appropriations, and has in the consideration of this bill before the committee excluded various recommendations; and that is the rule that a recommendation to be entertained either by the Senate or by its committee must receive the indorsement of the chief of the Department.

Mr. EDMUNDS. "Head" is the language of the rule.

Mr. WEST. This recommendation does not come from the Treasury Department, supervising the Light-House Board, nor does it come from the Secretary of War, controlling the Engineer Corps. It is not in order. I do not specifically object to this, but I will state to the Senator and to the Senate that amendments which I have proposed have been rejected on that ground, and in order to be consistent the Senate cannot entertain this.

Mr. GORDON. I offer an amendment.

Mr. MITCHELL. What disposition has been made of my amendment?

Mr. EDMUNDS. The Senator from Louisiana raises the question of order that it does not fall within the rule.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The Chair understands that the letter which has been read is not from the head of a Department nor transmitted through the head of a Department. The Chair therefore thinks the amendment is not in order.

Mr. GORDON. I offer the following amendment to come in on page 66, after line 615:

That the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia," approved February 12, 1873, be, and the same is hereby, amended so that the sum of money authorized to be expended in the construction of said building is fixed at the sum of \$250,000.

The matter has been referred informally to the committee. I had not time to refer it regularly, because a bill for this purpose was only passed yesterday by the House on the recommendation of the Secretary of the Treasury. Everybody understands it I believe.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment:

For payment for subsistence of the Arickarees, Gros Ventres, and Mandans, during the fiscal year ending June 30, 1874, \$48,193.76, or so much thereof as may be necessary.

Mr. EDMUNDS. What is that? What committee reported it?

Mr. ALLISON. Is there anything in the names that is remarkable?

Mr. EDMUNDS. I make the point of order that the amendment does not come within any one of the phrases allowed by the rule. It is not reported from a committee, so far as we know. It has not been referred to the Committee on Appropriations, so far as we know. It

is not to carry out the provisions of any existing law; so far as we know. It is not recommended by the head of any Department, as far as we know. These are a few of the first points of order that I have to make. [Laughter.]

Mr. ALLISON. If the Senator from Vermont will allow me one moment, I will state, in the first place, that it has not been recommended by any head of a Department nor has it been reported from any committee.

The PRESIDING OFFICER. The Chair thinks it is out of order. Mr. ALLISON. Nevertheless it is an expenditure that has been honestly and fairly incurred, and it ought to be paid. I have several documents showing that fact. I desire to present it. Gentlemen may laugh these matters down, but I desire to present it in the interest of two constituents of mine who have expended this money.

Mr. EDMUNDS. Then it is a private claim in addition. That is another point of order, for which I am obliged to the Senator.

Mr. ALLISON. Having discharged my duty in that regard, the amendment being ruled out of order, I have nothing more to say.

Mr. FLANAGAN. On page 51, at the end of line 1250, I move to insert the following:

That the sum of \$100,000 for the construction of depot buildings, including shops, offices, and commissary and quartermaster's store-rooms at San Antonio, Texas, appropriated by an act approved March 3, 1873, be, and the same is hereby, continued and made available for the fiscal year 1875.

I suppose there is no objection to that.

Mr. MORRILL, of Maine. I should like to hear some explanation of it.

Mr. EDMUNDS. I wish to reserve all points of order.

Mr. ALLISON. I must also reserve all points of order on every amendment now.

Mr. FLANAGAN. I have here as a basis the law passed March 3, 1873, making this appropriation in accordance with the recommendation of the chief quartermaster located at San Antonio and with the indorsement of General Sherman upon it, on which this act was enacted. The money has not up to this time been used, and we ought to have the privilege of using it the present year. The amendment was regularly presented to the Committee on Appropriations, and it is to carry out the law.

The PRESIDING OFFICER. The Chair thinks the amendment is not in order. It does not seem to be recommended by the head of any Department.

Mr. FLANAGAN. I was told there would be no objection if it was recommended by General Sherman, and it is the law now.

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. FLANAGAN. I was told there would be no objection to it by one of the committee. I could not make them report. [Laughter.]

The PRESIDING OFFICER. The amendment is out of order.

Mr. CLAYTON. I offer the following amendment, to insert at the end of that part of the bill relating to the War Department, on page 53:

That the Secretary of War shall grant trade permits at any military post to any person applying for the same who shall give bond in the sum of \$500,000 that he will comply with the rules and regulations of the War Department governing traderships; and the sum of twenty-five dollars for blanks, or so much thereof as may be necessary, is hereby appropriated to carry this provision into effect.

Mr. EDMUNDS. That is new legislation.

The PRESIDING OFFICER. It is out of order, in the opinion of the Chair.

Mr. SCOTT. I am authorized by the Committee on Finance to propose the following amendment, of which due notice was given and which was referred to the Committee on Appropriations:

That hereafter the compensation of the Assistant Secretaries of the Treasury, the Solicitor of the Treasury, and the Commissioner of Customs shall be each \$4,500 per annum; and a sum sufficient to pay the amount of increase in these salaries is hereby appropriated.

Mr. EDMUNDS. I reserve all points of order on that amendment.

Mr. SCOTT. No point of order has been made. Two of the offices named in the amendment are now vacant. The new Secretary of the Treasury is very anxious that he shall be able to offer such compensation as will secure to him, if not the best, very good services in both those offices, the Solicitor of the Treasury and the Assistant Secretary of the Treasury. As to the Commissioner of Customs, since the new Secretary of the Treasury has assumed his office he has transferred to the head of that Bureau what was perhaps almost a Bureau itself, the special agency service of the Department.

Mr. EDMUNDS. It always belonged to that Bureau.

Mr. SCOTT. The head of that special agency service received \$3,500 a year himself, while the Commissioner of Customs received \$3,000 salary. It is now proposed to raise his salary to \$4,500. I may state without any impropriety that it is very much desired by the Secretary of the Treasury that this amendment should prevail.

Mr. EDMUNDS. I rise to make a parliamentary inquiry. I have not charge of this bill, but I merely rise in order to keep myself informed of the state of legislation. I wish to inquire of the Chair whether, if I will reserve all points of order on this amendment, it will be open to a point of order when the bill gets into the Senate, or whether the point of order would be foreclosed? We are now in Committee of the Whole. If this amendment be adopted subject to the points of order, if I can reserve them so that I can insist upon them when we come into the Senate if I choose, I shall not object.

If not, I insist on their being decided now. If the Chair holds that if this amendment be adopted in committee no point of order can be made upon it in the Senate, I wish to understand it.

The PRESIDING OFFICER. The Chair thinks the point of order must be raised now, if at all.

Mr. EDMUNDS. Then I make the point of order. My point of order is that this is new legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. SHERMAN. I believe myself that if the point of order is insisted on, this being new legislation, a change of the existing law fixing the salaries of these officers, the amendment must be ruled out under the rule; but I submit to the discretion of the Senator from Vermont, and all Senators, whether under the circumstances, as a new Secretary has come into the Department, finding two offices vacant, we—

Mr. EDMUNDS. I do not want to interrupt the Senator, but unless he appeals, I want to get on with this bill and get it out of committee. The Senator can offer the amendment in the Senate just as well, and then we can consider how it is going to operate, and go on with the bill now.

Mr. SHERMAN. I must confess that the point of order is well taken if it be insisted upon.

Mr. EDMUNDS. I do not know that I shall insist upon it when we get into the Senate, but in order to have time for consideration I must insist upon it now. I merely want to think of it for a little.

Mr. SHERMAN. I shall not object to that.

The PRESIDING OFFICER. The amendment is ruled out.

Mr. SCOTT. I now offer the following amendment, of which I gave notice and had it referred to the Committee on Appropriations: To pay the Alleghany Valley Railroad Company the balance due them for transportation of the mails for the fiscal year ending June 30, 1869, \$7,232.75.

Mr. EDMUNDS. I should like to have that explained.

Mr. SCOTT. I will send to the Chair and have read a letter from the Department, which shows that this balance was due to the company upon their stated account, that they did not call for it, and under the act of 1870 it was covered into the Treasury.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY  
FOR THE POST-OFFICE DEPARTMENT,  
Washington, D. C., May 18, 1874.

SIR: In reply to yours of the 15th instant, I have to state that there is due the Alleghany Railroad Company, on account of service performed in 1868 and 1869, the sum of \$7,232.75. This amount cannot be paid until an appropriation is made by Congress under the provisions of the act of July 12, 1870.

Respectfully, yours,

J. J. MARTIN, Auditor.

Hon. JOHN SCOTT, United States Senate.

Mr. EDMUNDS. I make the point of order that this is to provide for a private claim.

The PRESIDING OFFICER. The point of order is well taken in the opinion of the Chair.

Mr. SCOTT. Allow me to state to the Chair what the nature of the claim is. A contract was made in pursuance of law by the Postmaster-General for carrying the mails upon this railroad. I have in my hand the account stated with the company, showing that this balance was due, if called for, but it was not called for at that time; and I do not see by what other process the money is to be had but by an appropriation.

Mr. EDMUNDS. Neither do I; but I understand that when other citizens have claims on the Government of the United States they file their petition, or some representative of theirs brings in a bill, which goes to the committee of which my honorable friend is the chairman, and they consider the justice of that claim and report upon it by bill. Now this claim may be perfectly just; I have no reason to doubt it; I know nothing about it; but we have stood upon the ground that these appropriation bills were to carry out the provisions of law for carrying on the Government, and the rules have provided expressly that private claims should not be put upon them. I am sorry to say that this bill, in spite of all that can have been done, was pretty well loaded as it came from the House of Representatives with private claims already; but I do not think the Senate ought to follow the evil example of loading up a miscellaneous appropriation bill as you would load up an omnibus by providing for every person who has a private claim when you do not get the distinct report of a committee upon it by itself, instead of putting it into a condition where everybody is tempted to log-roll a bill through because his particular constituent has got an interest in it. That mischief the rule was intended to defeat and provide against; and I submit to my honorable friend whether it is right to press amendments of this character upon an appropriation bill? I of course have no hostility to this company; the Senator knows that; but I submit to him, as the chief of our Committee on Claims and as a member of the Committee on Finance, whether it is not best to stand by the rule and keep this bill as free as we can, because perhaps we cannot control the House of Representatives on matters of this character. I say this without expressing the slightest opinion adverse to the claim of this particular company.

Mr. SCOTT. I agree to the force of all the Senator from Vermont states in reference to what are strictly private claims which come

here unestablished by the ordinary evidence from the Departments; but I conceived when this was sent to me in this form that it came within the rule, in the first place being for the purpose of carrying out an existing law; in the second place in pursuance of the acknowledgment of the head of a Department that it is due and all that it needs is an appropriation.

Mr. EDMUNDS. It is not from the head of the Department, the Postmaster-General; nor is the Secretary of the Treasury responsible for this letter. It is the letter of a Bureau officer.

Mr. SCOTT. It is from that officer who has control of the accounts of the Post-Office Department. I do not wish to discuss the point nor appeal from the decision of the Chair, as I do not wish to take up time.

Mr. ALLISON. The Chair has ruled it out of order.

Mr. MERRIMON. I offer the following amendment:

For paying the sum of \$8,596.98 to the Wilmington and Manchester Railroad Company for mail service rendered previous to the late war.

Mr. EDMUNDS. I make the point of order that that is a private claim.

The PRESIDING OFFICER. The point of order is well taken.

Mr. MERRIMON. I call attention—

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. MERRIMON. I do not; but I wish to call the attention of the Chair to the rule.

The PRESIDING OFFICER. The Chair will listen to the Senator from North Carolina.

Mr. MERRIMON. The last clause of the thirtieth rule is in these words:

And no amendment shall be received whose object is to provide for a private claim unless it be to carry out the provisions of an existing law or a treaty stipulation.

There was an existing law at the time this service was rendered, a general law authorizing contracts to be made and the service to be rendered.

Mr. EDMUNDS. That has been ruled so many times, that the "existing law" understood by this rule as one which declares that a particular person is entitled to have a particular sum paid to him, that I need not spend time to counteract that proposition.

The PRESIDING OFFICER. Does the Senator from North Carolina appeal from the decision of the Chair?

Mr. MERRIMON. Does the Chair rule against the amendment?

The PRESIDING OFFICER. Yes, sir.

Mr. FLANAGAN. I offer the following amendment, to come in on page 18, after line 416:

The Secretary of the Senate is hereby authorized to pay to the page of the Vice-President three dollars per day.

Mr. EDMUNDS. How much is paid to the other pages?

Mr. MORRILL, of Maine. They were formerly paid three dollars a day; they are paid \$2.50 now.

Mr. EDMUNDS. Why pay this page three dollars?

Mr. MORRILL, of Maine. Mr. President—

Mr. EDMUNDS. I leave it to the chairman of the committee to say whether he will make the distinction.

Mr. MORRILL, of Maine. I believe the reason submitted to the committee was this: He is the page of the Vice-President; the Vice-President does not hold a session, and we do. He is therefore, I suppose, regarded as being in continuing service, while the young gentlemen who wait upon us here do it while we are in session and then disappear. That, I suppose, is the whole argument. It is submitted to the judgment of the Senate.

Mr. EDMUNDS. That will not do.

Mr. CONOVER. Is he not also a page of the Senate?

Mr. MORRILL, of Maine. No.

The PRESIDING OFFICER. The question is on the amendment. The amendment was rejected.

Mr. SPRAGUE. By the request of the Senator from Delaware [Mr. BAYARD] I offer the following amendment, to come in on page 66, after line 1626:

For furniture, books, and paper-cases, gas-fixtures, carpets, and mats for the United States court-room and clerk's office, Wilmington, Delaware, \$2,000.

Mr. EDMUNDS. I make the point of order that that amendment has not been reported from any committee and it has not been referred to the Committee on Appropriations and it is not in pursuance of an estimate of any head of Department.

Mr. MORRILL, of Maine. I do not know how that is.

The PRESIDING OFFICER. The point of order is well taken.

Mr. SPRAGUE. I withdraw the amendment.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. EDMUNDS. I reserve them all.

Mr. BOGY. There is one amendment which is reserved particularly.

The PRESIDING OFFICER. The Senator from Vermont reserves all the amendments.

Mr. EDMUNDS. I want to see what they are. We have not tried this bill yet. It is full of improper items, and I say it with some sorrow.

The PRESIDING OFFICER. The question will be taken on the



amendments made as in Committee of the Whole separately. The first amendment will be read.

Mr. EDMUNDS. I have no objection to the first amendment on the second page, so far as I see. I do not know whether Senators have, but we have gone so fast with this bill that I have not been able to keep the run of it.

Mr. MORRILL, of Maine. The Senator has not been here all the time.

Mr. EDMUNDS. No; but the Senator will excuse me if I have not; I have been performing other duties, and I think the Senator will admit that I have given my devoted assistance to his brilliant lead in support of this bill.

Mr. MORRILL, of Maine. The Senator has been very useful; but his criticism about this bill being full of improper things is a little gratuitous.

Mr. EDMUNDS. I do not charge anything for it.

The PRESIDING OFFICER. The first amendment made as in Committee of the Whole will be considered as concurred in. The second amendment will be reported.

Mr. EDMUNDS. I have no objection to that.

The PRESIDING OFFICER. That amendment will be considered as concurred in. The next amendment will be read.

The CHIEF CLERK. The next amendment is on page 4, line 70.

Mr. EDMUNDS. I have no objection to that myself.

The PRESIDING OFFICER. The amendment will be considered as concurred in. The next amendment made as in Committee of the Whole will be read.

The CHIEF CLERK. The next amendment is on page 5, after line 108, to insert:

For the following clerks in the office of the Comptroller of the Currency: two clerks of class three, two clerks of class one, nine female clerks, and for extra compensation to four heads of divisions, \$2,400—\$16,100.

Mr. EDMUNDS. Is that an increase of the existing force, may I ask?

Mr. SHERMAN. That is an amendment I offered. It is required by the currency act approved by the President.

Mr. EDMUNDS. The new bill?

Mr. SHERMAN. Yes, sir.

Mr. EDMUNDS. I have no objection.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 6, to insert the following clause from line 113 to 124:

For the purchase of an engine and machinery, and for the erection and expenses incident to its operation, for the maceration of national bank notes, United States notes, and other obligations of the United States authorized to be destroyed, \$10,000; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections 24 and 43 of the national currency act as requires national bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury.

Mr. EDMUNDS. I have no objection.

The amendment was concurred in.

The PRESIDING OFFICER. The next amendment will be read.

The CHIEF CLERK. The next amendment made as in Committee of the Whole is on page 9, line 188, to reduce the appropriation "for continuing the collection of statistics of mines and mining" from \$15,000 to \$10,000.

The amendment was concurred in.

The next amendment was in line 206, after the name "F. V. Hayden," to insert "to continue the work westward toward the Green and Colorado Rivers, \$75,000;" and after the name "J. W. Powell," in line 208, to insert "in Utah, \$15,000," and at the end of the clause to insert the words "in all" before "ninety;" so as to make the clause read:

For the continuation of the geological and geographical surveys of the Territories of the United States by F. V. Hayden, to continue the work westward toward the Green and Colorado Rivers, \$75,000; and J. W. Powell, in Utah, \$15,000, under the direction of the Secretary of the Interior, during the fiscal year ending June 30, 1875, in all \$90,000.

The amendment was concurred in.

The next amendment was on page 11, after line 249, to insert:

That the salary of the special policeman in the office of the Secretary of the Senate shall hereafter be \$1,296; and a sum sufficient to pay the same is hereby appropriated.

Mr. EDMUNDS. What is the salary of the other policemen?

Mr. MORRILL, of Maine. Over \$1,400.

Mr. EDMUNDS. Why is this distinction made?

Mr. MORRILL, of Maine. He has a special duty confined to the Secretary's office.

Mr. EDMUNDS. Is this an additional officer?

Mr. MORRILL, of Maine. O, no.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 254, page 11, to strike out the words:

And for amount already expended by the Sergeant-at-Arms for postage-stamps, \$250.

The amendment was concurred in.

The next amendment was after line 303, to insert:

For the erection of an equestrian statue to Nathaniel Greene, in conformity with a resolution of Congress passed August 8, 1786, \$40,000; and one member of each House of Congress, to be appointed by the presiding officer of each House respectively, and George Washington Greene, of Rhode Island, be, and they are thereby, appointed a commission to contract for the same.

The amendment was concurred in.

The next amendment was after line 311 to insert:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, \$10,000.

The amendment was concurred in.

The next amendment was after line 314 to insert:

To enable the Librarian of Congress to employ two assistants, in connection with the work of the copyright department, and in preparing a complete index of subjects to the documents and debates of Congress, at \$1,600 each, \$3,200. And the Librarian is hereby charged with the work of preparing such an index, under the supervision of the Joint Committee on the Library; and he is hereby authorized and required to complete the two sets of congressional documents required by existing laws to be deposited in the Library of Congress, and which were partially destroyed by fire; and to this end he may make requisition upon the Secretary of the Interior, in charge of the reserve of public documents; and such volumes as cannot be supplied by the Interior Department may be transferred to the Library of Congress from the documents in charge of the Secretary of the Senate and of the Clerk of the House of Representatives, the Librarian of Congress giving a receipt therefor.

The amendment was concurred in.

The next amendment was after line 332 to insert:

For necessary repairs of the telegraph line connecting the Capitol and the Executive Departments, \$1,000.

The amendment was concurred in.

The next amendment was after line 335 to insert:

To enable the Secretary of the Treasury to pay D. L. Phillips, late United States marshal of Illinois, for counsel fees and expenses incurred in executing the *habeas corpus* act, the accounts of which have been passed by the proper accounting officers of the Treasury, \$476.53.

Mr. EDMUNDS. I should like to have the chairman of the committee tell us something about that. We have investigated various claims of a similar character in the Committee on the Judiciary, who ought to investigate these questions, and have reported to the Senate very stringently upon them, and have always been sustained. Very likely the chairman of the Committee on Appropriations can tell us what there is about this particular law-officer of the Government which entitles him to be paid for counsel fees that he has expended. I think it my duty to ask for an explanation.

Mr. MORRILL, of Maine. The explanation is what is substantially stated in the text of the amendment. This man had charges for the service mentioned, which were audited by the accounting officers of the Treasury; and this is for the balance of the account thus stated.

Mr. EDMUNDS. This is very extraordinary. We have provided for the Department of Justice appropriations regularly every year and have provided for all the deficiencies that have been asked for. Now there is something about this claim which does not authorize it to be paid either out of the regular appropriations or the deficiencies which we ought to understand. It may be perfectly just; but I submit to the Senate that it is not right to other people similarly situated or right to the public interests to pass private claims of this character unless we understand precisely the ground on which we are going; and thus it is that I take the liberty to ask my friend from Maine to show us the papers on the subject, if he has any; and if he has not, I hope the Senate will disagree to the amendment, because it has no place in a bill of this character. It ought to have been introduced as a separate bill, because it does not fall under the ordinary expenditures. If it did it would not be here at all; and it should have been sent to the proper committee to investigate upon its individual merits, having the means, which the Committee on Appropriations have not in the great pressure upon their time, to make a special investigation into the particular subject.

Mr. MORRILL, of Maine. There are papers here somewhere which explain the whole thing.

Mr. EDMUNDS. That may be; but I should like to know what they are.

Mr. MORRILL, of Maine. I understand the curiosity of my honorable friend.

Mr. EDMUNDS. I hope certainly the Senator from Maine is not offended at my wishing to know how this stands.

Mr. MORRILL, of Maine. No; I am not in the slightest.

Mr. EDMUNDS. Let it be struck out until we can see into it.

Mr. MORRILL, of Maine. No; I do not propose to let it be struck out. I send the papers to the desk to be read.

The Secretary read the following letters:

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,  
Washington, July 17, 1873.

SIR: Your accounts for expenses incurred in executing the *habeas corpus* act have been referred to this office by the War Department for examination and settlement, payment to be made from the appropriation provided by the ninth section of "An act making appropriations for sundry civil expenses of the Government," approved March 3, 1863. I find upon inquiry that the unexpended balance of this appropriation has been carried to the surplus fund, and is therefore not applicable for any purpose. I am not aware of any existing appropriation under the control of the Treasury Department from which your claims can be paid.

Respectfully,

H. K. LEAVER,  
Acting Auditor.

D. L. PHILLIPS, Esq.,  
Springfield, Illinois.

WAR DEPARTMENT,  
Washington, D. C., June 28, 1873.

SIR: Referring to your letter of the 4th instant, submitting your account, amounting to \$463.63, for counsel fees and expenses incurred in four suits instituted against you as United States marshal of Illinois, and inclosing in support thereof transcripts of the cases as they appear on the docket, together with the certificate of the Hon. O. H. Browning and John M. Palmer that the charges are reasonable

and proper, I am directed by the Secretary of War to inform you that he has approved the accounts for payment, and that the papers in the case have this day been transmitted to the accounting officers of the Treasury for settlement.

The letter of the Attorney-General, dated July 22, 1863, and the order of the Secretary of War, dated July 26, 1862, are herewith returned, as requested. Copies sent with papers to the accounting officers forthwith.

Very respectfully,

D. L. PHILLIPS, Esq.,  
Springfield, Illinois.

W. M. DUNN,  
Assistant Judge Advocate-General.

Mr. OGLESBY. In regard to this claim I have a word to say. Colonel Phillips was marshal of the State of Illinois and he was ordered at different times and under various circumstances to different portions of the State to arrest those persons who were supposed to be treacherous to the Union, who were under suspicion in various counties of the State. He was ordered to go at once for their arrest. He went, and paid, generally, his own expenses. He had not time to wait. He went into Edgar County, and into Williamson County, and different counties in the State from eighty to one hundred and fifty miles from Springfield. His claim is for the expenses by him incurred in arresting that class of men who were sent here and kept in the Capitol prison under suspicion of infidelity and treason to the Government. He has waited year in and year out until the amount allowed him will scarcely pay his expenses for coming here.

Mr. EDMUNDS. It is very extraordinary that ten years have gone over without any bill being introduced and passed to pay this gentleman if he is rightly entitled to it. He may be rightly entitled to it. The papers that we have here do not show that he is. They show the opinion of the Secretary of War ten years after, that he may be rightly entitled. I do not mean to say that he is not, because I do not know. I only mean to say that other persons who have had similar claims have been obliged to have them sent to the proper committee for an investigation upon their own merits, and have not been allowed to ride them upon an appropriation bill. Therefore I feel it to be a matter of duty and a matter of justice to insist upon it that this appropriation should not be made for this private claim in this bill, and that without any prejudice to the right of this gentleman to present his petition in the proper way and have it properly investigated by the proper committee and reported upon. It seems to me that it is not the right thing to put in a claim that is at least ten years old in an appropriation bill to pay a private citizen for a matter that has so long gone by when we are reporting daily with the approval of the Senate, either *pro* or *con*, on special investigation, the claims of other citizens of like character growing out of their execution of judicial or other duties under the judicial department of the Government. Therefore I make the point of order that this amendment is to provide for the payment of a private claim, and the Committee on Appropriations has no more right to report it than I have or any other person.

The PRESIDING OFFICER. The Chair thinks it is too late to raise the point of order after the amendment has been passed upon in the Committee of the Whole and reported to the Senate.

Mr. EDMUNDS. Then I hope the Senate will disagree to the amendment, and that without prejudice to the right of this gentleman to have his cause heard as other gentlemen have theirs. I think it is right to the Senate and to justice that we should do that thing.

Mr. OGLESBY. If Colonel Phillips shall be turned loose now to browse upon hopeless prospects about the claim any longer it is a heartless and sickening future for him. He paid but little attention to it, tried to get along without it, and finally believing the claim was justly due him from the Government he presented it. Governor Palmer, of the State of Illinois, certifies to it, and so far as the services are concerned fifty witnesses could be brought to establish the facts. It may be true, as the honorable Senator from Vermont says, that the case ought to have come up here through some committee on claims, and I am not prepared to dispute the justice of that proposition; but it has been lingering and dallying and hanging along until the man is heartsick, and I can say for him that if he does not get it now he will give it up forever. A man who did the service that he did I think will abandon it entirely rather than be pressing it.

Mr. EDMUNDS. That is precisely what we do not know.

Mr. OGLESBY. It is a just claim. I am not particularly interested about him; he has not even consulted me about it; he was here this winter, staid two or three days, and bothered me very little about it. He has been disappointed and put off about it so many times that he has a hopeless sort of chance if you do not pay him now.

Mr. EDMUNDS. Why has he been put off?

Mr. OGLESBY. He has been expecting to get it through the judicial department of the Government. It has been postponed and shuffled around, and finally he comes here and gets the recommendation of the Committee on Appropriations and of the proper Department of Government, and they put it on this multifarious sundry civil service bill that covers all creation and takes in everything. I looked at it to-day until it made my head swim. But it turns out a little \$430 claim, and that from the interior of Illinois, is not legitimate or constitutional in this bill that takes in all God's creation except Illinois.

The amendment was concurred in; there being on a division—ayes 27, noes 12.

Mr. EDMUNDS. I wish to state now that I withdraw all points of order that I have made against any amendment to this bill in committee, and shall not insist upon any of them against any Senator who chooses to propose anything, because I will not myself be the

instrument of granting favors to one person that are to be denied to another, by loading a bill of this kind with private claims which we know nothing about.

Mr. MORRILL, of Maine. I hope then that Senators who desire to reserve particular amendments will do so, and that we shall pass upon the others together.

Mr. EDMUNDS. I have not withdrawn my reservation. The Senate will take its own responsibility and vote upon each one of these amendments; but I think it just and honest to say to the Senators against whom I have been making points of order, that I shall not stand up to oppose them when the Senate chooses to make an exception of this kind for this particular gentleman. The Senator from Maine of course can exercise his own judgment in asserting his own rights, but the responsibility shall not rest upon my shoulders.

Mr. MORRILL, of Maine. I do not understand the lecture which the Senator gives to the Senate or the committee. I do not know which he intends it for. If he intends to lecture me on the subject, I consider it entirely gratuitous.

Mr. EDMUNDS. Certainly. I charge nothing for it. The Senator gets it free.

Mr. MORRILL, of Maine. So far as I am concerned, it is not worth a great deal. I have endeavored to do my duty on this bill faithfully. I do not intend to present any claim to the Senate of the United States that I am not willing to stand by; and I do not intend to be lectured constantly without exhibiting a sufficient degree of resentment. That is all I have to say about that.

Mr. EDMUNDS. The Senator has got his umbrella very wide open for a shower, as it seems to me. I have said nothing about the Senator from Maine except that I renounced in his favor all responsibility. If the Senator considers that a lecture, he is entitled to his opinion no doubt. I thought I had the right (and if I am wrong the Senator from Maine will correct me) to withdraw all objections that I had made to the amendments proposed by the Senator from Oregon and other Senators on points of order, that they were private claims, &c. If I had not that right, without the Senator from Maine jumping out of his seat and considering himself lectured, then he will be good enough to tell us so. The Senator from Maine perfectly well understands how much I regard him and his fidelity, and he must have got somewhat wearied with the great package of good things he has before him to suppose that when I abdicate in his favor I am lecturing him. I shall not do anything of the kind. Now, I hope the Senator from Maine is satisfied.

Mr. MORRILL, of Maine. Yes, sir; I am entirely satisfied, but I have nothing to take back, that the Senator means me when he says that he makes opposition to the proposition here, and then turns away from it in disgust and shakes off the dust from his feet upon all this class of cases, and turns around to the Senator from Maine and says, "He can take his own course." If it has any reference to me at all it means that I am connected with these claims in a way he does not countenance, and he wishes to direct the attention of the Senate to that fact.

Mr. EDMUNDS. Is there any objection to the statement of that fact?

Mr. MORRILL, of Maine. I do not think it is exactly the thing myself. The Senator may very likely think it is a very nice thing to put a man in a very comfortable position. I have done the best I could on these bills. It is not a labor I seek; it is not one of love, rather one of duty; it is irksome and troublesome; and I do not like to be criticised offensively in that way.

Mr. EDMUNDS. I did not mean to offend the Senator—far from it. Mr. MORRILL, of Maine. I understand. I take no exceptions except that I take occasion to make that remark.

Mr. EDMUNDS. I am satisfied with that. Go ahead.

Mr. SARGENT. Let us have the next amendment reported.

The next amendment made as in Committee of the Whole was after line 341 to insert the following:

For salary of stenographer to the Secretary of the Treasury, \$2,400.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 343 to insert:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 30, 1874, \$20,000, or so much thereof as may be required, for the payment of salaries of clerks, messengers, and laborers to do the necessary work of that office, may be used for the purpose aforesaid, in the fiscal year ending with June 30, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employes.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 354 to insert:

To enable the Secretary of the Treasury to collect, procure, preserve, and arrange for use all vouchers, papers, records, and evidence, and to take testimony as to claims against the United States, to be paid only upon the certificate of the commissioners of claims, the sum of \$20,000 of the unexpended balance of the appropriation made by act of March 3, 1873, is hereby reappropriated.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 362 to insert:

To enable the Secretary of the Treasury to pay the proprietors of the New York Tribune for advertising in said journal, the sum of \$39.10, or so much thereof as



may be necessary, to be paid upon the audit of the proper accounting officers of the Treasury.

The amendment was concurred in.

Mr. EDMUNDS. That is like the Phillips case. It is a private claim, but it is not in order to raise the point now.

Mr. MORRILL, of Maine. I will send to the desk the letter of the Secretary of the Treasury in that case if it is desired.

The PRESIDENT *pro tempore*. The amendment has been concurred in.

The next amendment made as in Committee of the Whole was after line 368 to insert:

For payment of the expense of editing the revised statutes, preparing the same for publication, and distributing the same, and for editing the annual statutes, under the direction of the Secretary of State, \$20,000, or so much thereof as shall be necessary.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 373 to insert:

To enable the Secretary of the Navy to complete the observations of the transit of Venus, in December, 1874, and to return the parties of observation to the United States, \$25,000, to be expended as provided by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1874, approved March 3, 1873.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 381 to insert the following:

For collecting information respecting the condition and importance of the fur trade in the Territory of Alaska, as provided by act of April 22, 1874, \$10,000, for the fiscal years 1874 and 1875, to be expended under the direction of the Secretary of the Treasury.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 388 to insert:

For the District of Columbia, the sum of \$1,300,000, to be expended by the commissioners of said District, and applied as follows: First, to the payment of interest on the funded debt of said District due July 1, 1874; secondly, to the payment of officers, employes, and laborers of the District, whether of the District proper or of the board of public works; thirdly, to the payment of any indebtedness for which the securities of the District are pledged; and the remainder to the current expenses of said District; all the above sums, except so much thereof as may be paid for interest, as aforesaid, to be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 401:

For payment of C. H. Evans for services under the direction of the Committee on Ways and Means of the Forty-second Congress, \$500.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 401 to insert:

For the payment of M. A. Clancy, for services as stenographer in taking testimony in the matter of the impeachment of Richard Busted, district judge of the district of Alabama, the sum of \$525.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 406 to insert:

For expenses of the Joint Select Committee to Inquire into the Affairs of the District of Columbia, the sum of \$6,000, or so much thereof as may be necessary.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 409, to insert:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay for supplies furnished the Yankton Sioux Indians during the winter of 1866 and 1867, to prevent absolute starvation among said Indians, \$11,329.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 416:

The sum of \$32,220 is hereby appropriated to defray the expenses of the board of health of the District of Columbia for sanitary purposes for the fiscal year ending July 1, 1875; and the commissioners of the District of Columbia be, and they are hereby, directed to reappropriate the same amount, namely, \$32,220, from the funds of the District of Columbia, not otherwise appropriated, for the same purpose.

Mr. EDMUNDS. I should like to ask the chairman of the committee, if it will not be offensive to him, and I presume it will not, whether that is intended to make a double appropriation, or whether it is only intended that this sum for the board of health shall be taken out of the fund of the commissioners?

Mr. SARGENT. The whole amount is \$64,000 to run the board throughout the year. The purpose is that thirty-two thousand and some hundred dollars shall be expended out of the Treasury of the United States, and the other half out of the District funds, and the authorities of the District are required to make that appropriation.

Mr. EDMUNDS. Then it is intended to provide for \$64,000 instead of \$32,000. The language is ambiguous. That is why I made the inquiry.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 416:

That the sum of \$1,000 is hereby appropriated for the salary of the Government telegraph operators at the Capitol during the recess of Congress; \$500 of the same to be paid by the Secretary of the Senate for the salary of the operator of the Senate, and \$500 to be paid by the Clerk of the House of Representatives for the salary of the operator of the House.

Mr. EDMUNDS. What is the use of having these operators during the recess of the Senate?

Mr. SARGENT. The amount that they receive is \$100 a month. It is impossible to get telegraph operators at less than \$1,200 a year. This simply runs to December, when some permanent arrangement will be made. That is all it amounts to.

Mr. EDMUNDS. I should like to have the vote taken upon it.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 471 to insert:

For the purchase for an Indian agency station, the six hundred and forty acres of land situated on Lapwai Creek and Clearwater River, Idaho Territory, heretofore granted to the American Board of Commissioners for Foreign Missions, \$15,000: *Provided*, That no part of this sum shall be paid until a perfect title to the said land shall be made to the United States by a warranty deed, to be approved by the Attorney-General.

Mr. EDMUNDS. With due humility, I wish to ask the Committee on Appropriations what this provision means, and how it happens that we have given to this board of commissioners of foreign missions six hundred and forty acres of land and propose to buy it back from them at \$15,000?

Mr. SARGENT. I explained that once before in Committee of the Whole, and take great pleasure in replying again. By a law a great many years old there was given to the American Board of Commissioners of Foreign Missions the section of land referred to here, six hundred and forty acres, and there were given to other missionary societies among the Indians pieces of land which they selected. In the progress of time this land passed into the hands of another person. The Government, however, apparently not aware of this title, has put upon this land somewhere from one to two hundred thousand dollars' worth of property in the shape of agency buildings and other improvements in connection with the agency. The title of the individual owner is now set up and is recognized by the local courts, and the alternative of the Government is to abandon the land and lose the large property interest which it has upon the land or to purchase it of the person who has the title. We thought, on the recommendation of the Department, that it was better to buy the title than to lose the property that is upon it.

Mr. INGALLS. Is this the Langford claim?

Mr. EDMUNDS. This is the Langford claim, which we have heard of before, and the Senator from California says that the local courts (by which I suppose he means the territorial courts) have held that the Langford title is a good one.

Mr. SARGENT. They have held that the title to this land is good. I do not recognize the name.

Mr. EDMUNDS. Does the Senator mean to say that in a case in which the United States has been a party, so that we are bound by it, the final tribunals have determined that we have no title to this land?

Mr. SARGENT. I state, as I said before, that I understand the title of this person has been recognized by the local courts. I am so informed by the Department.

Mr. EDMUNDS. I should like to know if the Senator has any communication on that subject?

Mr. SARGENT. Yes, sir; the communications were before the committee.

Mr. EDMUNDS. I should like to have them read.

Mr. SARGENT. In a few moments I can get them. I will have to go to the committee-room and tell the clerk to bring them here.

Mr. BOGY. If the Senator will pardon me, I will state that this same subject was before the Committee on Indian Affairs, and the amount specified in this bill is the result of a compromise. The owner of the claim wanted a much larger compensation. We finally agreed to offer him \$15,000, which he agreed to accept with a great deal of hesitation. By the act of 1848 six hundred and forty acres of land were appropriated for all missionary establishments in Oregon Territory. This was one of those establishments regularly made, and has been recognized by the Government of the United States, has been regularly surveyed, and the survey has been regularly approved, and the title, in my estimation and in the estimation of the committee, and I believe it is so recognized by the Commissioner of the Land Department, is beyond all controversy, beyond all doubt, based upon the law of 1848 securing to every establishment of this character six hundred and forty acres of land in the Territory of Oregon.

By treaty made subsequently with the Nez Percé Indians these six hundred and forty acres were included in a large reservation made for those Indians, and the Government has taken possession of that land, and has upon that land very extensive improvements, in buildings, houses, mills, and shops, and the whole entire agency indeed is upon these six hundred and forty acres. The owner of the land would prefer to have his land. It is no doubt worth to him a great deal more now than \$15,000.

The Committee on Indian Affairs took all the pains they could in examining the matter. We also corresponded with the Commissioner of the General Land Office, who laid before us all the papers. The survey, I repeat, of that land has been approved, and the title of the missionary society is beyond all doubt, and there is a regular deed from that society to this gentleman; I believe his name is Langford. His title therefore being good, and we having taken possession of his land, and having put large improvements upon that land, we can do

no less than pay him for his land or give him possession of his property, and the price here fixed is the result of a compromise made between him and the Commissioner on Indian Affairs.

Mr. EDMUNDS. It is very extraordinary indeed, as it appears to me—no doubt I am wrong—that the Department of the Interior having charge of the location of reservations and having in its own possession the records which would show whether the American Board of Commissioners for Foreign Missions had lawfully located these six hundred and forty acres for their purposes under the act referred to by my friend from Missouri, should have run the Government into an obligation to pay twenty-five dollars an acre for this land in the Territory of Idaho where we established an Indian reservation. Somebody, in my opinion, deserves censure. The idea that we, in a Territory, are obliged to pay twenty-five dollars an acre for our own land, or land that has been located by somebody else, when there are thousands of square miles there, in order to establish an Indian reservation, is, as it appears to me, a very extraordinary thing. I hope it does not happen very often. Here we are to pay \$15,000, which is about twenty-five dollars an acre, for land in the Territory of Idaho, a square mile of land claimed by this man Langford, because we have established an Indian reservation there. It is said he claims a great deal more. Does the Senator from Missouri mean to say that this land, aside from the improvements, is worth twenty-five dollars an acre in Idaho Territory?

Mr. BOGY. I understand it is a most excellent body of land and is very valuable aside from the improvements; that it is a very fine selection of very valuable land. It may not be so valuable as twenty-five dollars an acre; but it is a very fine selection of very valuable land, worth six or eight thousand dollars without any improvements at all.

Mr. EDMUNDS. The Senator from Missouri, with his usual candor, states I have no doubt correctly, that this land itself may be worth six or eight dollars an acre. Now we propose to pay twenty-five dollars an acre for it on account of the improvements that we put upon it ourselves.

Mr. BOGY. The Senator will pardon me. A large part of the improvements was put there by the board of foreign missions, and is there yet.

Mr. EDMUNDS. What are the improvements?

Mr. BOGY. Houses, mills, shops, saw-mills, and grist-mills. All the agency establishments are upon that land.

Mr. EDMUNDS. How did it happen—perhaps there is an explanation of it—that the Indian Department came to locate their reservation embracing this private property? What is the history of that?

Mr. BOGY. That would be very hard for me to answer. By treaties made with the Nez Percé Indians, they were located upon this land, and this is within the reservation, and by the terms of the treaty no white man is allowed to remain among those Indians unless officers of the Government, or Indian agents.

Mr. EDMUNDS. I have no expectation, of course, of preventing the adoption of this amendment; but I have the expectation of putting on the record what has been disclosed by the Senator from Missouri in respect of this most extraordinary transaction; and that is, that this man Langford year after year has had a bill here to provide for buying out his claim to this Indian reservation, the United States having been the original proprietors.

Mr. ALCORN. I will inquire, for information, whether the question of this title has been at any time adjudicated by any committee of this body? Has it been referred to the Committee on the Judiciary?

Mr. BOGY. It was referred to the Committee on Indian Affairs.

Mr. ALCORN. The Committee on Indian Affairs, I believe, is not composed of lawyers.

Mr. BUCKINGHAM. They are all lawyers but one.

Mr. EDMUNDS. We have a legend which the Senator from California gives us, and he does the best he can, that some local court has decided, as he understands, that the title of the United States is not good. It is a mere legend. We have no evidence of it. My friend from California has no evidence of it at all; he has heard so; and in the face of having located an Indian reservation there, we put into this miscellaneous appropriation bill a provision that we shall buy this disputed title to our own land—it was once our own land and for aught we have in evidence to the contrary is still our own land—and will give \$15,000 for it in view of the improvements, not that this man, but somebody else, put upon it.

It may be all right, Mr. President, and I dare say it is, because the Committee on Appropriations have recommended it. I shall have done my duty in calling the attention of the Senate to the extraordinary nature of the circumstance that Senate bill No. 630, introduced on the 26th of March, has got into the body of this appropriation bill in spite of the efforts of my friend from Maine, who, no doubt truly, states that he has done his best to keep this bill clear from private bills of this character. I find that Senate bill No. 630, now on your Calendar, is a slightly enlarged edition of this amendment, containing the essential features of the amendment precisely.

Now, Mr. President, I ask the Senate to vote in favor of leaving this subject for further consideration at another session of this Congress in order that we may have from the Department or somebody a definite report which points out, either upon this bill which is on your Calendar for Langford or in some other way, why it is that the United States, in a Territory where we have millions of acres of land,

is to be called upon to pay \$15,000 to a private claimant for a part of this reservation without any judicial determination against our title.

Mr. BUCKINGHAM. I desire to say a word before the vote is taken on this question. I do not wonder that the Senator from Vermont puts his inquiries. I do not know how any man can look at this claim without making inquiries about it. I do not hesitate to say that when it was presented to the Committee on Indian Affairs they were somewhat puzzled to know how a man like Mr. Langford or any other man could possess by title the land in an Indian reservation; but on inquiry we were perfectly satisfied that that land, six hundred and forty acres, was originally conveyed by the Government to the American Board of Commissioners for Foreign Missions, and that the title in that board was as good as the title which I hold to the house which I occupy. Then we were satisfied also that the American board of missions sold this property to a man by the name of Langford for a very small consideration without doubt.

Mr. EDMUNDS. May I ask the Senator from Connecticut was it granted to the American Board of Commissioners for Foreign Missions in fee, or only for the uses of their mission?

Mr. BUCKINGHAM. I understand in fee.

Mr. EDMUNDS. I think the Senator is mistaken about that.

Mr. BUCKINGHAM. I do not think I am. The Senator asks whether the fee was in this board. I have no doubt of it. Without it they could not have conveyed the fee to Mr. Langford. Certificates from the records of the courts, local courts I suppose, came to the Interior Department and came before the Committee on Indian Affairs showing very clearly that the title to this land was in this man Langford.

Mr. EDMUNDS. I should like to hear those papers read.

Mr. BUCKINGHAM. I have not got them and cannot read them or produce them to be read.

Then I would say still further, the question came up in regard to the value of the land and the necessity of its being reowned by the United States Government, and we found that the Government had established an Indian agency which covered this land, on which the Government had erected buildings of great value. If they had erected them on my land, or on the land owned by the Senator from Vermont, it would have been necessary for them to purchase that land of him or me or remove the buildings. The information which we get from the Interior Department is substantially that they cannot remove those buildings or occupy any other land in connection with that reservation, which is nearly of as much value as this, which is nearly as important to the Government, and the Government cannot remove these improvements without great loss. It may be that the Government has occupied that land in such a manner as to make the gain very great to Mr. Langford; it may be impossible to avoid it; but that is not so much his fault as that of the Government.

The question came up before the Committee on Indian Affairs in regard to the value of this property. Affidavits were presented to that committee which stated that the property was worth, independent of the improvements, from forty to sixty thousand dollars. From whom were these affidavits? I must say I know not. They were by men at a distance, so far off that we could not address them, although there came with those affidavits certificates that the affiants were men of integrity and reliable.

Then the question came up, what shall the committee do for the interests of the Government? Shall we submit it to the courts to determine whether the Government shall take possession of it or not? Shall we submit the question to arbitrators and let them determine what the damage shall be to Langford? If that question should be submitted to any three disinterested men, however well they might be selected, residing in that country, we could not believe in the face of these affidavits that they would give the Government the property as cheap as we propose to buy it now. Believing as I do that this is the most economical way for the Government to get out of this difficulty and to get possession of this property which is essential in order to secure the improvements which they have made, I hope this amendment will be concurred in.

Mr. OGLESBY. I hope the Senate will concur in the amendment as recommended by the Committee on Appropriations, and indeed I am very glad to see it in the bill. I suppose it got there through the instrumentality of the honorable Senator from Oregon, [Mr. KELLY.] This claim came before the Committee on Indian Affairs of the Senate months ago. We gave it careful consideration. A bill was sent down from the Secretary of the Interior providing for settling this claim by arbitration or settling it by a proceeding in the district court of Idaho.

Mr. BOUTWELL. Will the Senator from Illinois inform the Senate when these improvements by the Government were placed upon this land?

Mr. OGLESBY. If the Senator from Massachusetts will take my recollection about it, I can state, within the last twenty years.

Mr. BOUTWELL. I should imagine it would be within the last twenty years. It is only twenty-four or twenty-five years since the land was ceded to the missionary society.

Mr. OGLESBY. I will state to the Senate just what I know about it and as briefly as I can.

Mr. BOUTWELL. If the Senator will allow me, I will state to him what is the suspicious aspect of this case, and as I have known one other in my experience in the Government which was precisely what I suspect this to be I will state it. Whoever put the improve-



ments made by the Government upon this land, the title to it having been confirmed in 1848, knew perfectly well that he was doing that which he had no right to do, and was placing the property of the Government upon land the title to which was in another party. In my judgment, although I have no evidence on the point, there can be no doubt that there was an arrangement and understanding between the person who held the title to this land and the officer of the Government by whose agency the improvements were placed upon it. It is incredible that any other state of facts could have led to the present condition of things.

Mr. OGLESBY. I think the Government will be the gainer, and largely the gainer, by concurring in the amendment of the Committee on Appropriations. Now I will state, and I hope I shall do it in less than five minutes, what I know about it.

The case came before the Committee on Indian Affairs. It was there referred to the Senator from Iowa [Mr. ALLISON] or myself, I think to me, with a bill from the Secretary of the Interior providing that a suit should be brought or that a board or arbitrators should be appointed to settle what the Government owed Mr. Langford. The Government of the United States, through the executive department, officially recognized to Mr. Langford his title in the property. He brought suit in ejectment against the possessors in the territorial courts of Idaho, and received a judgment of ouster and putting him in possession again; and that judgment stands to-day from which the Government has taken no appeal, and it has made no objection to the judgment. It was a regular judgment rendered in an action of ejectment, and the man has stood waiting and waiting to get possession and cannot get possession because he cannot sue the Government to put it out. The property belongs to him. The title was conveyed to him by duly acknowledged deeds from this missionary society. He was put in possession; and it being peculiarly located, far off in the Indian-exposed portions of Oregon, when the Government went there and established an Indian agency, the Government had no other ground, no other place it could go and protect the life of its agent. Therefore it went upon this ground, where a mill has been constructed, a saw-mill and a grist-mill, and the Government went and made material additions to it and took possession of it in order to preserve the life of the Government agent there and to make it a center for the distribution of food and annuities to the Indians, and hold it to this day.

The fear the Committee on Indian Affairs had was that if this Government should continue to hold this ground for a longer period, when this man had made repeated applications for it, it would finally end in a claim of fifty or one hundred thousand dollars against the Government. Therefore we put Mr. Langford off in the Committee on Indian Affairs. We resisted his claim and put him off. He said he was justly entitled to \$40,000; but as a compromise, to settle it and let him get his money and get rid of all trouble, he finally agreed to take \$20,000. The committee insisted that \$10,000 was enough. The matter was referred to me, and I had a bill drawn up and reported to the Senate to give him \$15,000, which amount he concluded he would not accept. He refused to accept it until I received this letter from him two weeks ago agreeing to accept the \$15,000. [Here the hammer fell.] Is my time up?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SPENCER. I move that the Senate recede from its amendment to House bill No. 899, to constitute Montgomery, in the State of Alabama, a port of delivery.

Mr. EDMUNDS. Let us dispose of this bill first.

Mr. SARGENT. I object to any business being interposed until we dispose of the appropriation bill.

Mr. OGLESBY. Here is a letter from Mr. Langford agreeing to accept \$15,000.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. EDMUNDS. I hope the Senator will be allowed to proceed. I move that he have leave to proceed.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senator from Illinois have leave to proceed without limitation. The motion was agreed to.

Mr. OGLESBY. The honorable Senator from Vermont will allow me to return him my sincere thanks for this courtesy. I will agree to proceed with pleasure if he will promise not to follow me. [Laughter.]

Mr. EDMUNDS. It would be perfectly hopeless. I make the promise.

Mr. OGLESBY. The Committee on Indian Affairs believed, and now believe, that this is the best settlement the Government can ever make of this claim. I have a letter from Mr. Langford, who finally agrees to take \$15,000 and settle the matter. If you send it back to that country and allow him to call up witnesses over that Territory to prove the value of that property in a court of justice, the Government will have to pay fifty or one hundred thousand dollars for that land. His title is clear; it is unimpeachable. There is no use to deny it. He has papers from the Government in his possession admitting the title. Now, then, when we have got him to consent to take \$15,000 and give a warranty deed to the Government for six hundred and forty acres, give us the title and get rid of the difficulty, my opinion is the Senate will make a mistake if they do not accept the offer.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. KELLY. I wish to make a statement about this matter as the amendment was suggested by myself. I can indorse everything that has been said by the Senator from Illinois, and I will ask the Clerk to read a letter from the Commissioner of Indian Affairs showing the amount of money the Government has expended upon that land, the title to which certainly belongs to Mr. Langford. There can be no doubt about it, as the Senator from Illinois has said.

Mr. EDMUNDS. Where is the evidence of that, let me ask the Senator? I should like to have it read if there is any evidence of that kind.

Mr. KELLY. I will read it. Mr. Langford holds this land under the seventh section of the act of the 14th of August, 1848, the proviso of which is as follows:

*And provided also*, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, and improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong.

Again, on the 2d of March, 1853, when the Territory of Washington was organized, there was this provision:

*Provided further*, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, with the improvements thereon, be, and the same is hereby, confirmed to the several religious societies to which said missionary stations severally belong.

I will say that this society was established in 1836 among the Nez Percé Indians, and from that time until what was called the Whitman massacre they continued to occupy this as a missionary station. I say there can be no doubt as to the title.

Mr. EDMUNDS. The Senator says there is no doubt about the title, and he reads from a statute.

Mr. KELLY. I do, as quoted in the House report.

Mr. EDMUNDS. It is a copy of the statute, I suppose.

Mr. KELLY. Yes, sir.

Mr. EDMUNDS. In which he says the title is conferred upon the missionary or religious societies.

Mr. KELLY. "Confirmed."

Mr. EDMUNDS. Now where is the statute which gives the original title?

Mr. KELLY. The original title was under the act of the 14th of August, 1848.

Mr. EDMUNDS. Does that provide for any alienation by this religious corporation to its successors or assigns?

Mr. KELLY. It confirmed the title to the society.

Mr. EDMUNDS. But that is not the point, the Senator will see as a lawyer. My point is whether in the original act or in this one, certainly not in this one, there are any words which say that the land is confirmed to the successors and assigns of this religious corporation.

Mr. KELLY. I do not pretend to say that there are such words.

Mr. EDMUNDS. Then if there are not such words, does the Senator say they had a right to alienate this title?

Mr. KELLY. I do say so, certainly. I do say when a title is confirmed to any religious body, that that body is the owner of the land, and that that body has the right to dispose of that land if it thinks proper. They did dispose of it to Mr. Langford. It has been so found by the committee of the Senate and of the House. I am reading from the House report. I say that there can be no doubt about the title.

Before my time expires I wish simply to have read a letter showing that the Indian Department have expended in improvement upon that land \$66,000 in buildings, all of which strictly belongs to Mr. Langford. He brought suit, served process upon the Indian agent, judgment was obtained after a contest, and he has it now.

Mr. EDMUNDS. What is the date of that judgment?

Mr. KELLY. I do not remember. It was there three or four years ago.

Mr. EDMUNDS. Why was not an appeal taken?

Mr. KELLY. I cannot account for that. I suppose for the simple reason that they knew there was no hope of gaining it for the United States.

Mr. EDMUNDS. Is there a copy of the record here that we can hear read?

Mr. KELLY. It was before the committee.

Mr. EDMUNDS. Is it here?

Mr. KELLY. I do not know; I am not on the committee. I know there was presented to the committee a certified copy of the record. I now ask to have the letter which I send to the desk read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., June 19, 1874.

SIR: In reply to your verbal inquiry, you are advised that it appears from the books of this office that the following sums have been appropriated and placed in the hands of the agent of the Nez Percé Indians since 1860 for improvements on the lands occupied for the agency of said Indians in the Territory of Idaho, and it is presumed have been expended for such purpose, namely:

For the erection of schools and church buildings.....	\$24,700 00
For the erection of blacksmith-shop.....	5,500 00
For the erection of saw and flouring-mill.....	19,000 00
For the erection of hospital building.....	2,400 00
For the erection of buildings for employes.....	6,500 00
For the erection of buildings for chiefs.....	34,000 00
Total.....	61,500 00

In addition to the foregoing the sum of \$4,000 is appropriated annually for keeping said buildings in repair, &c.

There is also embraced within the six hundred and forty acres occupied by the agency fifteen Indian farms, improved and cultivated for the use of the Indians of said agency.

This tract of land on which these improvements have been made by the Government out of Indian funds is that covered by the execution of W. G. Langford-es. Robert Newell, United States Indian agent, from the district court of the first judicial district of Idaho Territory.

Very respectfully, your obedient servant,

EDWARD P. SMITH,  
Commissioner.

W. G. LANGFORD, Esq.,  
Washington, D. C.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. BOUTWELL. I only want to say to the Senate that we had better find out whether the Government has been the victim of a fraud, as is pretty evident from so much of the transaction as we are made acquainted with, before we decide to pay any sum of money, however small, to one of the parties or the representative of one of the parties, to this fraud; for nothing can be clearer than that the agent of the Government who put this property, churches, stores, and mills upon this land was perfectly well aware that the Government in some sense had parted with the right to control the land—not the ownership of it, not the fee of the land. It was dedicated to a certain purpose in the hands of the missionary society; but I do not believe from the statute that it was an alienable title which the society took from the Government. There are no words in it that authorize the society to alienate the title. At any rate we should stand where we are, and not be deterred by the idea that a claim may arise years hence of \$50,000 or \$100,000. We should not allow a party to a fraud to take \$20,000 or \$10,000 or \$10 out of the Treasury through the fear that this Government cannot resist those parties.

The excuse that the Indian agency and the buildings of the Government and other property were put upon the missionary lands for the purpose of defense against the Indians is absurd, inasmuch as the missionary agency was there, if these Indians were hostile, under the protection of the Government, and the Government had the power to protect its own agents elsewhere as well as upon the property of the missionary society. My judgment is that the design of this proceeding, as it originated in Idaho, (without the knowledge of course of any member of any committee of either branch of Congress,) is to take from the Government money through a fraudulent intent.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 26, nays 19; as follows:

YEAS—Messrs. Allison, Bayard, Boggs, Buckingham, Carpenter, Clayton, Conover, Cooper, Davis, Ferry of Michigan, Flanagan, Gilbert, Gordon, Hamilton of Maryland, Harvey, Kelly, McCreery, Mitchell, Morrill of Maine, Oglesby, Pease, Ransom, Sargent, Stockton, Thurman, and Wadleigh—26.

NAYS—Messrs. Alcorn, Boutwell, Chandler, Edmunds, Fenton, Frothinghaysen, Goldthwaite, Hager, Hamilton of Texas, Howe, Ingalls, Merrimon, Morrill of Vermont, Robertson, Schurz, Scott, Stewart, Tipton, and Wright—19.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Ferry of Connecticut, Hamlin, Hitchcock, Johnston, Jones, Lewis, Logan, Morton, Norwood, Patterson, Pratt, Ramsey, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Washburn, West, and Windom—28.

So the amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 507 to increase the appropriation for surveying the public lands in Nebraska from \$40,000 to \$50,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 529 to increase the appropriation for surveying the public lands in Idaho Territory from \$20,000 to \$30,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 533 to increase the appropriation for surveying the public lands in New Mexico Territory from \$20,000 to \$30,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 555 to increase the appropriation for surveying the public lands of Oregon from \$40,000 to \$60,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 563 to increase the appropriation for surveying the public lands in Washington Territory from \$40,000 to \$60,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 612 to insert:

For the necessary expenses of the land office at the Dalles, Oregon, for salaries and commissions of the register and receiver for the fiscal year ending June 30, 1875, \$6,000, and for incidental expenses of said office, \$1,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 615 to insert:

For lathing and plastering the under surface of the roof above the ceiling of the Senate Chamber, \$4,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 618 to insert:

For a new steam-pump to supply the tanks located in the attic of the Senate wing of the Capitol, \$800.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 621 to insert:

For replacing the defective portion of the roof on the Capitol near the Dome by a copper roofing of fire-proof construction, and for erecting fire-walls, \$45,000: *Provided*, That the old materials shall be remanufactured and used in the repairs of the Capitol.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 626 to insert:

For a commission, consisting of Fred. Law Olmsted, of New York; William Hammond Hall, of San Francisco, and H. W. S. Cleveland, of Chicago, to consider and report to Congress at its next session by what economical measures the greatest public value may be given to the connected series of Government grounds, including those of the Capitol and those of the Executive Mansion, the sum of \$1,500.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 634 to insert the following:

For improvement of Capitol grounds, according to the plans and under the general direction of Fred. Law Olmsted and the Committee on Public Buildings and Grounds of the Senate, to be expended by the architect of the Capitol, \$200,000.

Mr. SARGENT. At the time that amendment was adopted in Committee of the Whole the Senator from Wisconsin [Mr. HOWE] stated that he would consider that matter and offer an appropriate amendment. I think from what he outlined his idea was that it should be under the charge of the chairman of the committee of the House and the chairman of the committee of the Senate; the House would hardly agree that this improvement should be under the sole control of the Senate. I ask if he is ready with his amendment? If not, I will move that amendment.

Mr. MORRILL, of Vermont. I hope there will be no such amendment offered.

Mr. SARGENT. Then the words "and the Committee on Public Buildings and Grounds of the Senate" should be stricken out. I move to strike out those words.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

The next amendment made as in Committee of the Whole was to strike out lines 639 to 642, inclusive, in the following words:

For improving the Capitol grounds, for coping and flagging the foot-walks around the same, and for paving the roadway at the eastern front, \$125,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 647 after the words "engine-house" to insert "and stable," and in line 649 to increase the appropriation "for the purpose of erecting on Capitol Hill near the Capitol building a suitable engine-house and stable to supply the place of engine-house No. 3 recently ordered removed by Congress," from \$10,000 to \$15,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out lines 650, 651, and 652 in the following words:

For preservation and repairs of the United States court-house in Washington City, formerly known as the City Hall building, \$3,000.

And to insert in lieu thereof:

For extending court-house (old City Hall) in the city of Washington, in accordance with plans of the architect of the Capitol, to be approved by the Secretary of the Interior, for the accommodation of the District courts, Court of Claims, and the Pension Office, and for making the necessary repairs to the old building, \$150,000.

Mr. HOWE. Mr. President, when that amendment was before the Senate as in Committee of the Whole, I asked the chairman of the Committee on Public Buildings and Grounds to consent to an amendment which would allow the architect either to extend the present building or to erect a new one. That proposition was declined. I did not then know, I had not then seen, the plan which it seems now has already been provided for extending the present building. Since that time I have seen that plan. I have no hope of changing the purpose of the Senate to agree to that. I only want to enter my protest against it. I do think it would be a great calamity to make this appropriation and to undertake to extend that building. It will be simply erecting a permanent scab on the finest square in the city, to spread over the whole territory there between D and E streets an enlargement of the horse-barracks which already stand there, and which will be a monument for posterity to swear at as long as the building stands. [Laughter.] I want to save myself from receiving any of those anathemas.

The traveler who hereafter shall have occasion to leave East Capitol street and go to Seventeenth street will pass by those buildings to start with. On his way, he will encounter the Post Office, the Interior Department, the Treasury building, and he will bring up at that new State Department which is now being erected—buildings that are not excelled by any in the world; but on his course he will have to pass the building which my excellent friend from Vermont designs placing on this splendid square. I do not think any man of a sensitive nature can travel over that whole course without being thrown into a fever and ague. [Laughter.] I shall have to take the



avenue after that building is put up, for my constitution will not stand that route, I know. [Laughter.]

Mr. MORRILL, of Vermont. The Senator from Wisconsin has a happy faculty of making even respectable things look ridiculous whenever he attempts it. The idea of the committee that reported this amendment was that we should have some means of immediate accommodation for the courts of the District, for the Court of Claims, and for the Pension Bureau now confined to the Seaton House; and this building can be extended under the general style which it now assumes, fronting on Four and a half street, and make a very respectable appearance, and furnish a very large amount of accommodations, and that at an early day. It is economy to finish this building and furnish quarters for these courts, for the Pension Bureau, and for the Court of Claims.

I do not think that the building as it is proposed will give the fever and ague generally; and unless the Senator from Wisconsin is predisposed to that ailment, I do not think that this building when erected will produce any such results. The whole building can be completed at \$239,000 additional cost. We propose to appropriate \$150,000 of it this year and the balance next year, and the amount appropriated for this year will furnish present and immediate accommodation for the Pension Bureau and the courts. Any gentleman who desires to do so can see the proposed changes, as I have them before me, and they are not to be adopted until approved by a member of the Cabinet.

Mr. HOWE. Temporary accommodations twice as large as are proposed here can be had by putting up board shanties or canvas tents, and then they can be taken down when you no longer have any use for them, and they will not offend anybody.

Now my honorable friend holds up here what seems to be the ground-plan. If he will really resolve that into one of the elevations it will not be so offensive as the elevation that he has had drawn by the architect, [laughter;] and if he would so amend his plan immediately it would be less offensive to me. I do not particularly distrust my own constitution; I never had the fever and ague in my life; and I do not believe I ever shall have, unless I am called upon to pass that building. There is what I suppose is one of the elevations, [exhibiting to the Senate.] I should be a little reluctant after all to say that it was designed for horse-barracks. It looks more to me like a national dove-cote. [Laughter.]

Mr. MORRILL, of Vermont. I desire to say one thing about this proposition. If Congress is disposed to spread a million or a million and a half of money for the same amount of accommodations, so be it. In my opinion this building is not really subject to the criticism of the Senator from Wisconsin. It is not a beautiful building at all, and yet it is not such a monstrosity as he would represent it to be. I think that for the sake of economy, and for the reason that we ought not at the present moment to launch out into very much more of an expenditure for this city at the present time, we ought to accept this proposition.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after line 664:

To secure the foundation walls and fit up rooms in the basement of the General Post-Office building \$100,000, or so much thereof as may be necessary.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 685 to insert:

To pay the indebtedness incurred and now due, and to pay, in part, the expenses of the Reform School of the District of Columbia, for the fiscal year ending June 30, 1875, it being for food and clothing of the boys in said school, the sum of \$15,000; to be deducted from any money hereafter appropriated for the District of Columbia.

The amendment was concurred in.

The next amendment made as in Committee of the Whole, in the appropriations for the Columbia Institute for the Deaf and Dumb, was after line 733 to insert:

For continuing the work on the erection, and fitting up the buildings, of the institution, in accordance with plans heretofore submitted to Congress, \$29,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 761 to insert:

For the Women's Christian Association of the District of Columbia, \$25,000; to be expended for the sole purpose of erecting a building on the ground owned by said association in said District, upon and in strict conformity with a plan for said building, which shall be prepared by the architect of the Capitol extension; and it shall not, for building and furnishing, exceed the said sum of \$25,000; and no money shall be paid under this appropriation until the Secretary of the Treasury shall be satisfied that a contract, with good security for its execution, has been entered into for the erection and furnishing of said building, at a sum not exceeding the amount hereby appropriated; and all payments for the erection and furnishing of said building shall be made by the Secretary of the Treasury directly upon vouchers to be approved by him: *Provided*, (and this appropriation is upon the express condition,) That none of the money hereby appropriated shall be paid by the Secretary of the Treasury until said association shall file with the recorder of deeds in the District of Columbia a declaration, executed and acknowledged in the manner in which deeds are required by law to be executed for record in the District of Columbia, that said building and the lands on which it is erected, forever, shall be held in trust by said association, without mortgage or security in the nature of mortgage, for the sole purposes of said association, as defined in its charter, of date of December 13, 1870; and the filing of said declaration shall be regarded as notice to all persons who shall purchase said property or take any security thereon.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 33, after line 792, to insert:

For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, \$25,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 35, after line 843, to insert:

For building a steamer for the Coast Survey, for use on the gulf coast, \$76,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 849 to insert:

For the maintenance and support of the Hydrographic Office, including surveys of ocean currents, reefs, and shoals, and incidental expenses, \$50,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was on page 37 to strike out lines 888, 889, and 890, as follows:

To pay commissions allowed by law to collectors of customs acting as superintendents of lights, \$8,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 898 to insert:

For re-establishing the light-house at Indian Island, at Rockport Harbor, Maine, \$9,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 939, on page 39, to strike out "Navasink," and insert "New Brunswick," and to strike out the proviso commencing in line 939, as follows:

*Provided*, That whenever it may become necessary, in the adjustment of boundary lines or in the opening or changing of necessary roadways affecting lands belonging to the United States and used for the purposes of the light-house establishment at Staten Island, New York, and at the Highlands of Navasink, New Jersey, or any part thereof, the Secretary of the Treasury is hereby authorized to execute for such purposes, touching the property above referred to or any part thereof, the necessary conveyances and assurances, and to receive in consideration therefor such other conveyances or assurances of adjoining lands, or of lands in the immediate vicinity, or other consideration, as may be agreed upon.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out the following clause, commencing in line 955:

And the Secretary of the Treasury is authorized to place a fog-bell (to be rung during the prevalence of a fog) at such points at or near the entrance to the harbor of New York as may be designated by the proper officers; the expenses thereof to be paid out of any unappropriated money in the Treasury.

The amendment was concurred in.

Mr. SARGENT. I move that with the exception of the amendment of the Committee of the Whole relating to the Light-House Board on the Mississippi River, the other amendments of the Committee of the Whole be concurred in.

The motion was agreed to.

Mr. SARGENT. In reference to that amendment—

The PRESIDENT *pro tempore*. The amendment will be read first.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out the following words, commencing in line 1075:

That the jurisdiction of the Light-House Board created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same and for other purposes," approved August 31, 1852, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. SARGENT. I ask on behalf of the Committee on Appropriations, after an informal consultation, that that amendment be non-concurred in.

The amendment was non-concurred in.

Mr. SARGENT. On behalf of the committee I offer the following amendment, to come on page 26, after line 621:

For salary of assistant engineer of the Senate in charge of the elevator and elevator-engine, \$1,450.

The amendment was agreed to.

Mr. SCOTT. I renew the amendment which I withdrew in Committee of the Whole, to which I presume there will be no objection.

For compensation of the Assistant Secretaries of the Treasury, the Solicitor of the Treasury, and the Commissioner of Customs, each, \$4,500 per annum; and a sum sufficient to pay the amount of increase of these salaries is hereby appropriated.

The amendment was agreed to.

Mr. STEVENSON. I offer another amendment which was objected to on a point of order, which the Senator from Vermont has withdrawn:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the late firm of Dempsey & O'Toole, as indemnity for loss sustained by them by annulment of a contract with the Post-Office Department for furnishing stamp envelopes and newspaper wrappers, the sum of \$23,433.69: *Provided*, That previous to the payment of the sum before mentioned the said Dempsey & O'Toole shall deliver up, to the satisfaction of the Postmaster-General, all dies and dandy-rolls by them used and provided for the manufacture of the envelopes aforesaid: *And provided further*, That the sum aforesaid shall be received in full satisfaction for all claims and demands of the said Dempsey & O'Toole for or by reason of the annulment of said contract.

Mr. WRIGHT. My recollection is that that is the same claim precisely which was before the Committee on Claims and rejected.

Mr. STEVENSON. I know it is not.

Mr. DAVIS. I beg to correct the Senator from Iowa. This is not the same claim, but it is a claim of the same parties.

Mr. STEVENSON. I inquired into that point myself.

The amendment was agreed to.

Mr. SCOTT. I have an amendment that was left in charge of a member of the Committee on Finance who has been called out upon a committee of conference, one which will require unanimous consent, and when I state that the officer who sends it says that it will save \$600,000 to the country, I presume there will be no objection. The amendment is to add as a new section:

That so much of the act entitled "An act to make appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," as provides "for replacing the worn and mutilated circulating notes of national banking associations and for engraving and preparing, in such manner and on such paper and in such form and design as the Secretary of the Treasury may prescribe, new circulating notes for such associations to replace notes of designs and denominations now successfully counterfeited, \$600,000: *Provided*, That each of a said national banking associations shall reimburse the Treasury of the United States the cost of the circulating notes furnished under this provision," be, and the same is hereby repealed.

Mr. ROBERTSON. I object to the amendment. Is it in order?

Mr. SCOTT. There is no appropriation in it, I will inform the Senator from South Carolina. It is to repeal a section of a bill of last year.

Mr. ROBERTSON. I ask if that amendment is in order?

The PRESIDENT *pro tempore*. It is not if objected to.

Mr. ROBERTSON. I object.

The PRESIDENT *pro tempore*. The Senator from South Carolina raises a point of order, and the Chair sustains it.

Mr. INGALLS. At the request of the Senator from New Jersey, [Mr. FRELINGHUYSEN,] who is temporarily absent from the Chamber, I offer the following amendment, to come in on page 60, line 1463:

To enable the Joint Committee on the Library of Congress to procure plans for extending the east and west fronts of the Capitol so as to enlarge the accommodations for the Library and perfect the central building, \$2,000.

The amendment was agreed to.

Mr. MITCHELL. When the Senate was in Committee of the Whole I offered two amendments to this bill which were obnoxious to an objection made at that time. The objection having been withdrawn, I am encouraged to try them again. I offer the following amendment, to be inserted after line 598:

For this amount, or so much thereof as may be required to meet certain indebtedness on account of the Indian service at the Malheur reservation in Oregon during the fiscal year ending June 30, 1874, \$16,145.

Mr. MORRILL, of Maine. Let the Senator explain the amendment.

Mr. ROBERTSON. I object to the amendment.

Mr. MITCHELL. I hope the Senator from South Carolina will not object.

Mr. ROBERTSON. Is the amendment in order?

The PRESIDENT *pro tempore*. It is not.

Mr. ROBERTSON. Then I object.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. ANTHONY. On page 12, after line 267, I move to amend by adding:

And the Congressional Printer is directed to bid for the same at the estimated cost of performing the work.

I do not know why an exception is made of this work of printing to the general rule that prevails throughout the bill. This work is the Official Postal Guide.

Mr. SARGENT. I think the amendment is good. I should like to have the Public Printer compete for that printing.

Mr. ANTHONY. I was asking that some member of the committee would explain to me why it is that this work is made an exception to the general rule that runs through the bill requiring that all printing shall be done at the Government Printing Office.

Mr. SARGENT. This is a clause put in in the House. We did not see fit to strike it out or put it on any other, because we thought this work ought to be printed. The amendment now moved will certainly give an opportunity to the Public Printer to have the money expended by him.

The amendment was agreed to.

Mr. ANTHONY. I wish to offer another amendment which I cannot offer except by unanimous consent. Yesterday a joint resolution was passed directing the Congressional Printer to prepare a careful statement of the cost of printing the RECORD for a year, in order that we might compare it with the cost of printing the debates at private establishments and with the estimates that might be made by other parties. This cannot be done without an additional clerk. I therefore ask leave to offer an amendment which I am aware is not in order unless by general consent. It comes from the Committee on Printing, and it is not in order only because it was not referred to the Committee on Appropriations; but the Senate will recollect that it was only yesterday that the joint resolution was passed which made this necessary. The amendment is:

For one clerk of the third class to keep the accounts of the CONGRESSIONAL RECORD as required by the joint resolution of Congress.

Mr. ROBERTSON. I object.

Mr. ANTHONY. Will the Senator from South Carolina indulge me by allowing me to suggest that Congress yesterday directed the Con-

gressional Printer to do a certain thing; that thing cannot be done without the employment of a clerk. Are we to order him to do a thing and then refuse him the means of doing it? I think the Senator will withdraw his objection on that statement.

Mr. ROBERTSON. I think there are quite enough items in the bill without making further appropriations.

The PRESIDENT *pro tempore*. The Chair will submit to the Senate the question whether the amendment shall be received.

The question being put, it was declared that the ayes appeared to prevail.

Mr. ROBERTSON. I raise the point of order.

The PRESIDENT *pro tempore*. The Senate have decided the point of order.

Mr. SARGENT. The amendment being before the Senate, I move to amend it by striking out "third class" and inserting "first class." Certainly a first-class clerk should be competent for this business.

Mr. ANTHONY. I accept that.

The amendment, as modified, was agreed to.

Mr. DENNIS. I rise to offer an amendment—

Mr. ROBERTSON. I rise to a point of order. Is it quite fair that the Chair receives some amendments and objects to others?

The PRESIDENT *pro tempore*. It is not. It is in the power of the Senate to do what they please. The Chair submitted the question to the Senate whether they would receive the amendment of the Senator from Rhode Island, and they decided that they would, and the Chair could not prevent it.

Mr. DENNIS. I offer the following amendment:

To enable the Secretary of the Senate to pay a sum sufficient to make the salaries of the principal clerk, principal executive clerk, minute and Journal clerk, and financial clerk of the Senate as follows: Principal clerk, \$3,600; principal executive clerk, minute and Journal clerk, and financial clerk, \$3,000; and a sum sufficient to make the annual salaries of seven of the clerks in the office of the Secretary \$2,592 each, \$4,836.

The amendment was agreed to.

Mr. BAYARD. I offer an amendment, on page 66, after line 1624, to insert:

For furniture, books, and paper-cases, gas-fixtures, carpets, and mats for the United States court-room and clerk's office, Wilmington, Delaware, \$2,000.

The PRESIDENT *pro tempore*. Is there objection to the amendment?

Mr. ROBERTSON. I object, and raise the point of order.

Mr. BAYARD. May I state to my friend from South Carolina that this amendment is not objected to by the Committee on Appropriations. It is absolutely required in order to make these offices of use to the Government.

Mr. STEVENSON. I suggest that this amendment is in order. It is to carry on the public service.

The amendment was agreed to.

Mr. STOCKTON. I have an amendment to offer which is strictly within the rule, as I think. I am directed by the Committee on Naval Affairs to offer the amendment, and I desire to say in addition that the Naval Committee of the House have considered the proposition and have agreed to it, but the bill is not in a condition to pass in the House at this moment, not being in accordance with their rules—

The PRESIDENT *pro tempore*. The Chair thinks it is out of order to refer thus to the proceedings of the other House. The amendment will be sent to the desk and it will be read.

Mr. STOCKTON. The amendment has the approval of the Naval Committee, who have directed me to offer it. I gave notice of it some days ago and it has been referred to the Committee on Appropriations, and I hope and believe the Committee on Appropriations also approve of it. I will add that it is the settlement of a matter that has been often before the Senate and they have always been in favor of it; but we have never been able to get to a direct conclusion on the subject. I hope the chairman of the Committee on Appropriations will accept my amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from New Jersey will be read.

The Chief Clerk read the amendment, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to the widow of the late Rear-Admiral John A. Dahlgren \$50,000 for and on account of the past use and the right hereafter to use, in the manufacture of ordnance and projectiles by the United States, each of the improvements patented by said Dahlgren in the form, the mode of casting, and the finish of naval ordnance and in cast-iron shells; and a sufficient sum for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MORRILL, of Maine. That is too large a sum to go in this way. It has not been examined by the committee. I feel constrained to raise the question of order on that. It is a private claim.

The PRESIDENT *pro tempore*. Does the Senator insist on the point of order?

Mr. MORRILL, of Maine. Yes, sir.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STOCKTON. What is the point of order? The Senator rose and addressed the Chair in a tone of voice that I could not hear.

The PRESIDENT *pro tempore*. The Senator from Maine will restate his point of order.

Mr. MORRILL, of Maine. That it is a private claim.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.



Mr. STOCKTON. I should like to inquire as to that. This amendment was referred to the Committee on Appropriations by the Committee on Naval Affairs. I offered it by direction of the Naval Committee.

The PRESIDENT *pro tempore*. The Secretary will read the rule for the information of the Senator.

Mr. STOCKTON. I know of no rule that forbids it.

The PRESIDENT *pro tempore*. The rule will be read.

The CHIEF CLERK. Rule 30 provides at the close:

And no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. STOCKTON. On the objection made by the Senator from South Carolina [Mr. ROBERTSON] a moment or two ago the Chair decided that the Senate had the matter in its own power and by a majority vote could put any amendment on the bill. I now claim the benefit of that decision of the Chair.

The PRESIDENT *pro tempore*. The Chair will submit the question in this case as in that. The question is, Will the Senate receive this amendment?

The question being put, there were on a division—ayes 19, noes 27.

Mr. SCOTT. Mr. President—

Mr. STOCKTON. I ask for the yeas and nays.

Several SENATORS. Too late.

The PRESIDENT *pro tempore*. The Chair will entertain the call.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on receiving the amendment of the Senator from New Jersey. The point of order is raised that the amendment is excluded by the rule. The Chair is of that opinion, but at the request of the Senator from New Jersey, submits the question to the Senate.

Mr. STOCKTON. I withdraw the request for the yeas and nays.

The PRESIDENT *pro tempore*. If there be no objection, the call for the yeas and nays may be withdrawn. The Chair hears none. The amendment is not received.

Mr. SCOTT. The Senator from South Carolina gave me to understand that he would withdraw the objection which he made to the amendment I offered a few minutes ago, coming from the Comptroller of the Currency.

The PRESIDENT *pro tempore*. It will be again read and regarded as a new offering of the amendment.

The Chief Clerk read the amendment, as follows:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," as provides "for replacing the worn and mutilated circulating notes of national banking associations, and for engraving and preparing, in such manner and on such paper and of such form and design as the Secretary of the Treasury may prescribe, new circulating notes for such associations to replace notes of a design and denomination now successfully counterfeited, \$600,000: *Provided*, That each of said national banking associations shall reimburse the Treasury the costs of the circulating notes furnished under this provision," be, and the same is hereby, repealed.

Mr. ROBERTSON. I withdraw my objection.

Mr. MORRILL, of Maine. I should like to have a statement as to that.

Mr. SCOTT. I will send to the Chair a letter which has been referred to the Committee on Finance in reference to that amendment.

The Secretary read the following letter:

TREASURY DEPARTMENT,  
OFFICE OF THE COMPTROLLER OF THE CURRENCY,  
Washington, D. C., June 13, 1874.

SIR: I am quite confident that there will be no objection on the part of the Appropriation Committee to insert in the sundry civil appropriation bill a paragraph providing for the repeal of an item in the sundry civil bill for the fiscal year ending June 30, 1874, providing for the engraving of a new issue of national bank notes, and I will thank you, if consistent with your views, to suggest to Senator MORRILL, of Maine, and other Senators upon that committee the necessity for such legislation.

Very respectfully,

JOHN JAY KNOX,  
Comptroller.

Hon. JUSTIN S. MORRILL,  
United States Senate.

Mr. MORRILL, of Maine. The amendment I understand comes from the Committee on Finance?

Mr. SCOTT. The members of the Committee on Finance have conferred together. The obligation remains to provide for the engraving of these new notes with this appropriation of \$600,000. It cannot be done with that amount of money, and therefore it is a saving to the Treasury to repeal the clause altogether. There is no new appropriation.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to offer the following amendment:

For additional pay to William E. Webster, assistant engineer of the Capitol in charge of the electric lighting apparatus of the Senate, \$300, to take effect from and after the passage of this act.

Mr. SARGENT. What will that make his pay?

Mr. MORRILL, of Vermont. I will make a statement in relation to this amendment. I had been informed that the pay of this engineer was the same as that of the engineer in the House, who only has charge of the lighting overhead, but that is a mistake. He has the same pay, but he works throughout the day below and at night above, doing a day's work throughout the day and then this in addition. It seems to me that he is one of the hardest working men there is about

the Capitol, and it has been the judgment of most of those who are conversant with the matter that he ought to have this addition.

Mr. SARGENT. The Senator has not answered my question.

Mr. MORRILL, of Vermont. He gets \$1,400.

Mr. SARGENT. That is reasonable.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment:

For this amount, or so much thereof as may be required to meet certain indebtedness on account of the Indian service at the Malheur reservation in Oregon during the fiscal year ending June 30, 1874, \$16,143.

Mr. ROBERTSON. Has not that been ruled out of order already?

Mr. MITCHELL. I ask that it be submitted to a vote of the Senate. It is recommended strongly by the Department of the Interior, and also by the Committee on Indian Affairs.

Mr. ROBERTSON. I raise the point of order.

The PRESIDENT *pro tempore*. The amendment was offered once before and ruled out of order. At the request of the Senator from Oregon, the Chair will submit the question to the Senate.

Mr. MORRILL, of Maine. I wish to raise the point distinctly whether that is a question to be submitted to the Senate.

The PRESIDENT *pro tempore*. The sixth rule provides that the Chair may submit every question of order to the Senate. Whenever the present occupant of the chair is appealed to by any Senator to do so, after stating his own opinion, he will always comply with that request.

Mr. SARGENT. If the question is whether the Chair has correctly construed the thirtieth rule, then unmistakably we must all vote "ay." On that naked question of law, which addresses itself to our honor and our respect for the Chair, we certainly must vote "ay." If it is a mere question whether we will oblige another Senator or whether we will allow this appropriation, that is different.

The PRESIDENT *pro tempore*. Submitting the question to the Senate is undoubtedly in the nature of an appeal, but a short-hand way to that result.

Mr. SARGENT. That is what I wanted to know. I shall vote with the Chair.

The PRESIDENT *pro tempore*. The Chair submits the question to the Senate whether the amendment shall be received.

Mr. FERRY, of Michigan. I ask in voting on this ought we to vote according to our view of the merits of the question, or on the ruling of the Chair?

The PRESIDENT *pro tempore*. The Chair cannot advise Senators.

Mr. FERRY, of Michigan. I want to understand this matter. Are we to vote on the merits? Here is a distinct rule and the Chair rules upon it. It seems to my mind that we should sustain the Chair; else there is no order in the Senate.

The PRESIDENT *pro tempore*. The Chair has stated his opinion upon the wording of this amendment, that it is not in order. The rule, however, provides that the question of order may be submitted to the Senate. The rules are the rules of the Senate, not of the Chair. The Senate is unquestionably under obligation to enforce its rules as much as the Chair is. The Chair now submits the question to the Senate.

Mr. FERRY, of Michigan. I only inquire for information; I do not wish to take up time. I do not make a point on this particular case because I am inclined to vote for this amendment, but as a question of precedent and as to the order of the Senate, my impression is that the questions which have been submitted to the Senate have been on propositions that have been germane to the subject at issue, but in other instances where there has been a question under this rule the amendment proposed did not come under the rule and has been ruled out of order. Such a case is not generally submitted to the Senate. While I am disposed to vote for the amendment and should like to vote for it, yet on the question of the construction of the rule I feel it to be my duty to be as strict as I feel the Senate ought to be toward any one who occupied the chair.

Mr. BUCKINGHAM. I understand the Chair to have decided that this motion is not in order.

The PRESIDENT *pro tempore*. The Chair has so decided.

Mr. BUCKINGHAM. I wish the Chair to put the question to the Senate whether the decision of the Chair should be sustained.

The PRESIDENT *pro tempore*. That cannot be done unless there is an appeal taken; but the Chair submitted the question to the Senate, which the Chair understands to be the same thing as an appeal; and every Senator, the Chair supposes, will vote on this question as he would decide upon it if he were in the chair.

Mr. MITCHELL. I hope the discussion on the point of order will not prejudice this vote. It is a precisely parallel case to some three amendments offered which have been submitted to the vote of the Senate on their reception.

Mr. MORRILL, of Maine. The Senate ought not to insist that for the sake of getting in any proposition of this description we should violate the rules of the Senate.

Mr. MITCHELL. Only ask that the same rule be applied to this amendment that has been applied to two or three others within the last half-hour.

Mr. MORRILL, of Maine. That is a misconception. The Senate cannot, for the sake of putting upon this bill a claim which is excluded by the rules in the sense of the Chair, unless we believe that he has ruled incorrectly, overrule the Chair without overruling the rules of the Senate and demoralizing the body.

Mr. MITCHELL. I concede that this amendment is technically obnoxious to the rule. I am now appealing to the Senate, and ask that the same indulgence be extended to it as to others.

Mr. MORRILL, of Maine. That can only be done by general consent.

Mr. STOCKTON. I desire to say in reference to this question of order that the Senate cannot by a majority vote suspend a rule of the Senate; and when the President ruled against the Senator from South Carolina in a former case and held that the amendment to which he objected could be put to the Senate, I thought the Chair was mistaken. Afterward I offered an amendment myself from a committee, with the hope and belief that it would be accepted, having given notice of it to the Committee on Appropriations. I made the same point and claimed from the Chair the decision which had been made in the matter objected to by the Senator from South Carolina.

The PRESIDENT *pro tempore*. The Chair made precisely the same decision in both cases.

Mr. STOCKTON. Precisely. The President anticipates what I was going to say. He made precisely the same ruling, and I have no fault to find with the fact in making my point now that he was wrong in the first ruling. I then attempted, believing that I was right, to take advantage of the ruling of the Chair; the Chair then submitted that question to the Senate, and I called for the yeas and nays; but instantly perceiving, as I believed, that the Chair had been wrong in the first ruling, and that he was also wrong in the ruling that I had a right to ask the Senate to vote in reference to the construction of its own rules to adopt my amendment by a majority vote, I rose and withdrew the call for the yeas and nays.

I have felt it my duty before this question is put to the Senate to state that fact. My amendment was not a personal one; it was not a private claim in some senses. The matter had been before Congress so long, before the committees so frequently, and was so perfectly understood by the Committee on Appropriations, that I hoped and expected them to assent to it. They did not, however. I do not believe I had a right under the rule to force that appropriation on the bill even if I got a majority vote for it. My impression is that the President was wrong in his original ruling on the matter raised by the Senator from South Carolina, and that you cannot violate a deliberate rule of the Senate by a majority vote; and if you so decide you see what it comes to. There is not one of us that cannot get any private claim put on the sundry civil bill in spite of the rule by going around and getting one majority in the Senate. The object of the rule is to prevent that. The object of permanent rules is to control the majority in their action at the moment. I make my point very respectfully, and I only do it because I think I was wrong in asking the Chair to decide in my case as he had before decided in the case of the Senator from South Carolina.

The PRESIDENT *pro tempore*. The sixth rule, among other things, provides as follows:

And every question of order shall be decided by the Presiding Officer, without debate, subject to an appeal to the Senate; and the Presiding Officer may call for the sense of the Senate on any question of order.

Upon the first question just referred to, at the suggestion of Senators, the Chair submitted it to the Senate, and the Senate passed upon the point of order. When the next question arose the Chair ruled the amendment out of order as he had the first. At the request of a Senator, however, he submitted the question to the Senate. The Senate ruled it out of order. The Senator from Oregon now submits an amendment, and the Chair has expressed his opinion upon it, but at the request of the Senator from Oregon he submits it to the Senate, and the Senate will declare whether they will enforce their rules or violate them.

Mr. ANTHONY. I think the Senator from New Jersey, [Mr. STOCKTON,] I am sure unintentionally, did injustice to the first decision of the Chair. I did not understand the Chair to decide that the motion which I made was in order except by unanimous consent, and when I made it I stated that it required unanimous consent, and I understood the Chair to put it to the Senate for a unanimous vote, and it was so decided. The Senator from South Carolina rose to an objection, but the question had been decided, and it was after unanimous consent had been given.

Mr. ROBERTSON. The Senator is mistaken; I did not do any such thing.

Mr. MITCHELL. I will now state to the President and to the Senate that unless the objection is withdrawn so that I have unanimous consent to offer the amendment, I shall not press it. I would appeal to the Senator from South Carolina.

The PRESIDENT *pro tempore*. Is there objection to the amendment?

Mr. FERRY, of Michigan. I hope there will be none on that ground. The PRESIDENT *pro tempore*. The Senator from Oregon now states that unless unanimous consent be given to offer this amendment he will withdraw it. Is that unanimous consent given?

Mr. ROBERTSON. I have objected.

The PRESIDENT *pro tempore*. The Senator from South Carolina still objects.

Mr. MITCHELL. I withdraw the amendment.

Mr. STOCKTON. I desire to say in reply to the Senator from Rhode Island that that amendment to which he referred was not adopted by unanimous consent. He is mistaken, because we heard

the Senator from South Carolina objecting at the time, and the question would not have been put to the Senate on the point of order if there had been unanimous consent. I desire to call attention to the fact that it was an amendment from no committee and it was an amendment that was offered without notice. My amendment I was authorized to offer; I gave notice of it four or five days ago and sent it to the Committee on Appropriations. The result is that one amendment is put on the bill by the decision of the Chair without unanimous consent and my amendment was ruled out. That was the reason I took advantage of the point of order made; but believing, as I said before, that the Chair was wrong in its first ruling, believing that the Senate could not violate its own rules by a majority vote, I preferred not to call for the yeas and nays or to insist on the call. I think the decision of the Chair in the first place was wrong.

The PRESIDENT *pro tempore*. The Senator from New Jersey is laboring under a great misapprehension if he understood the Chair to intimate or express the opinion or to say that the Senate could violate its own rules. On the contrary, the Chair submitted to the Senate the question whether it would obey its own rules, and it decided according to its understanding of the rule.

Mr. STOCKTON. I deny the power of the Senate to decide that it will not obey its own rules. I make that point of order.

The PRESIDENT *pro tempore*. The Chair will read to the Senator once more:

And every question of order shall be decided by the Presiding Officer, without debate, subject to an appeal to the Senate; and the Presiding Officer may call for the sense of the Senate on any question of order.

Mr. FERRY, of Michigan. I should like to ask one question here. Has it not been the practice of the Chair to submit a question before himself ruling on it? Where there has been a question of doubt, has it not then been the practice for the Chair to submit that question without previously ruling on the case? In this case the Chair has ruled in advance, and at the request of some Senators has submitted the question to the Senate. If the Senate reserved its right and exercises its power to overrule the Chair, I ask the Chair and the Senate how can we preserve order in the Senate?

Mr. ALCORN. Upon this question—

The PRESIDENT *pro tempore*. Upon which question?

Mr. ALCORN. The question just submitted.

The PRESIDENT *pro tempore*. There is no question submitted. If there be no further amendment—

Mr. ALCORN. I have an amendment to offer.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. ALCORN. I offer the following amendment:

SEC. — That the Secretary of War be, and he hereby is, authorized and required to order the Chief Engineer of the Army to cause to be made, without delay, such explorations, surveys, and drawings as may be sufficient to enable him to apply the sum of money herein appropriated in the most economical and practical form, so as to meet the demand for immediate and pressing relief to the levee districts in the States of Mississippi, Arkansas, and Louisiana, and close, as far as may be, all crevasses or broken sections of the levee in the districts named in the most sufficient and permanent manner possible under the circumstances, and so to apply the fund as to give relief to the largest agricultural areas, and thereby preserve the cotton and sugar districts from future disasters from the floods of the Mississippi River.

SEC. — That the said Secretary of War be authorized and empowered to negotiate and contract with the several levee boards, or with the riparian owners of the land, or with the governors of the States named, for that temporary jurisdiction necessary to the work, and for rights of way and cuts for dirt without cost to the United States, so as to avoid all conflicts of jurisdiction in a work undertaken by the national authority upon the urgent appeal of the people most directly interested, and by the Representatives of these States in Congress declared to be a task impossible of accomplishment by the States or people involved in the ruins wrought by the flood just now receding from the districts named. And the said Secretary shall, as far as is practicable, cause the work by him done to harmonize in its execution with the local laws governing the construction of the public levees, and to do all else that may be necessary and proper to execute the design of Congress and give all possible relief to the country. And should any conflicts arise or protests be made by the levee boards or land-owners along the line of said works touching the action of the engineer in charge, appeal may be made to the Secretary of War, whose decision shall be final.

SEC. — That the work herein contemplated shall be held to extend to all levee work of whatever kind necessary to close broken sections of levee resulting from crevasse or otherwise, and to all repairs proper to old work which may be held necessary to the largest possible protection.

SEC. — That the works herein contemplated shall be let out to contractors, and, as far as is possible with the economy of the case, employment shall be given to the sufferers by flood, that their calamity may be so ameliorated as to supply them with the opportunity of earning bread while contributing labor to a work for the protection of their farms is being done.

SEC. — That the sum of \$2,000,000 is hereby set apart in the Treasury, out of any money not otherwise appropriated, for the execution of the work contemplated in this act, subject to the order of the Chief Engineer of the Army, countersigned by the Secretary of War, and may, from time to time, be drawn in such sums as may be necessary for the purposes of this act; and the Secretary of War may, at his option, detail a paymaster from the Army, and place him in readiness to meet the necessary demands, so that contractors and employes may be promptly paid.

SEC. — That one-half the appropriation herein made shall be expended in the district and within the State of Louisiana; and the remaining half shall be expended, one-half within the State of Mississippi and the other half within the State of Arkansas.

SEC. — That the Secretary of War make a report to the next session of Congress, detailing the work done under this act, with such explanatory suggestions as may be proper to represent clearly his action in this behalf.

Mr. MORRILL, of Maine. I hope my honorable friend has in some sense accomplished his object by having that read as a proposition which he thinks very desirable, and that therefore he will not think very unkindly if I raise a question of order upon it.

The PRESIDENT *pro tempore*. The Senator from Maine will state his point of order.



Mr. MORRILL, of Maine. It is legislation.  
The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STEWART. I offer an amendment to come in on page 24, line 572, after "\$40,000."

The Chief Clerk read as follows:

*Provided*, That the portions of the Union Pacific Railroad and the Central Pacific Railroad, and their branches upon which trains have run during the last year, are hereby accepted as completed, within the meaning of the third section of the act approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes;" and patents shall issue for the lands granted in aid thereof as rapidly as the surveys of the United States are extended.

Mr. ANTHONY. I rise to a point of order.

Mr. STEWART. Why? I think this will be unanimously adopted.

Mr. ANTHONY. It is legislation.

Mr. STEWART. There is a bill on this same subject that has passed the House of Representatives.

Mr. ANTHONY. I have not charge of the bill.

Mr. STEWART. This relates to surveys, and that is in order I think. I hope the Senator will not object, but allow me a hearing.

Mr. ANTHONY. I will not object; but it is out of order.

The PRESIDENT *pro tempore*. As much of the amendment as has been read is clearly out of order.

Mr. STEWART. It has not been all read.

Mr. SARGENT. I would suggest to the Chair—

The PRESIDENT *pro tempore*. The reading of the amendment will be concluded.

Mr. FERRY, of Michigan. It was ruled not in order.

Mr. STEWART. I rise to a point of order. I have a right to have my amendment read that the Chair may see whether it is in order.

The PRESIDENT *pro tempore*. The Chair sustains the point of order and the reading will be concluded.

The Chief Clerk continued the reading of the amendment, as follows:

*Provided, however*, That nothing in this act shall be construed to relieve any railroad company from the effect of any forfeiture heretofore suffered or incurred.

Mr. HAGER. I object.

Mr. STEWART. I ask the indulgence of the Senate for one moment.

Mr. HAGER. I wish it understood that I object to the amendment.

The PRESIDENT *pro tempore*. Does the Senator from California raise the point of order?

Mr. HAGER. I make the point of order.

The PRESIDENT *pro tempore*. The Senator from California will state his point of order.

Mr. HAGER. That it is out of order at this time on this bill.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STEWART. I should like to have the preceding clause to which it relates read, so that it may be understood.

The PRESIDENT *pro tempore*. Does the Senator appeal from the decision?

Mr. STEWART. I appeal to the Chair to let the proposed clause be read.

The PRESIDENT *pro tempore*. Does the Senator appeal from the Chair or to the Chair?

Mr. STEWART. I appeal to the Chair to allow that clause to be read.

The PRESIDENT *pro tempore*. The Chair will read the clause to which the amendment is sought to be attached. It is:

For surveying the public lands in Nevada, at rates not exceeding fifteen dollars per lineal mile for standard lines, twelve dollars for township, and ten dollars for section lines, \$40,000.

Mr. STEWART. Now allow me to explain this matter; and in order to have an opportunity to do so, I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. STEWART. Mr. President, a brief reference to the legislation of Congress will show not only the propriety of this amendment, but that it is perfectly in order. It has reference to the surveying of the Government lands along the line of the railroad. The clause I seek to amend appropriates money to pay for such surveys, and my amendment provides for the patenting of the railroad lands as the surveys are extended, to the end that they may become taxable as other property. The third section of the act of July 1, 1862, to aid in the construction of the Pacific Railroad, declares that—

All such lands—

That is all lands granted to the road—

And all such lands, so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption, like other lands, at a price not exceeding \$1.25 per acre, to be paid to said company.

It will be seen that the lands after the three years from the time the road was completed were to be open to settlement. By the act of July 2, 1864, in the twenty-first section, it is provided:

SEC. 21. And be it further enacted, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall

first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said roads, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

By this section, whenever the company want lands they may make the advance and have them surveyed. The language is, "as the titles shall be required by said company." There is nothing in the act compelling them to pay the cost of survey and take out patents. They are to do this only when they require the titles. In 1869 Congress passed another act, the second section of which reads as follows:

SEC. 2. And be it further resolved, That, to ascertain the condition of the Union Pacific Railroad and the Central Pacific Railroad, the President of the United States is authorized to appoint a board of eminent citizens, not exceeding five in number, and who shall not be interested in either road, to examine and report upon the condition of and what sum or sums, if any, will be required to complete each of said roads, for the entire length thereof, to the said terminus as a first-class railroad, in compliance with the several acts relating to said roads; and the expense of such board, including an allowance of ten dollars to each for their services for each day employed in such examination or report, to be paid equally by said companies.

This commission made their examination, and on the 30th of October, 1869, reported that it would require an expenditure of \$576,650 to complete the Central Pacific Railroad, and \$1,586,100 to complete the Union Pacific Railroad; whereupon Mr. Secretary Cox entered an order withholding one-half of the lands granted until the roads were completed. The following letter from Secretary Delano will shed additional light upon this point:

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., June 17, 1874.

SIR: I have carefully examined the bill (H. R. No. 3281) to amend the Pacific railroad act of 2d July, 1864, transmitted with your letter of the 9th instant, with request that I give your committee my views thereon and make any suggestions that I may see fit as to legislation on the subject.

A joint resolution was approved April 10, 1869, (16 Statutes, 561) "for the protection of the interests of the United States in the Union Pacific Railroad Company, the Central Pacific Railroad Company, and for other purposes." Under the second section of said resolution the President appointed five "eminent citizens" to examine and report upon the condition of said companies' roads. They made the examination, and on the 30th of October, 1869, submitted their report, (copy herewith.) Their estimate for supplying deficiencies in the Central Pacific road was \$576,650, and in the Union Pacific road \$1,586,100.

To secure the completion of the roads in the matters reported deficient, Mr. Secretary Cox, on the 3d November, 1869, directed the Commissioner of the General Land Office to suspend the issue of one-half the patents for lands granted to said companies. That these deficiencies have been supplied the Executive has had no official information. Mr. Cox's order is therefore still in force, and should in my judgment continue in force until such official information is received. I should long ago have appointed commissioners to re-examine said roads had there been any fund at my command out of which they could have been compensated for their services. Only recently the president of the Union Pacific Company applied for the appointment of commissioners to make such re-examination of their road, but no such application has been made by the Central Pacific Company.

The subsidy in bonds granted said companies has long since been received in full by them, so that this moiety of lands withheld is the only security of the Government for the completion of the road as required by law.

The clause of said bill beginning on the twenty-seventh line of the second page directs "the Commissioner of the General Land Office to prepare and deliver without delay patents for all lands applied for by any company as aforesaid, where the same are clearly within the grant and free from conflicting claims," &c. As this clause would *ipso facto* repeal said order of Mr. Cox, I respectfully suggest that it be so changed as to make the mandatory order to the Commissioner contingent on the executors being satisfied that all the deficiencies reported by said "eminent citizens" have been supplied, and that the roads are completed as required by law. This is the only suggestion that I have to make concerning the bill.

I am, sir, very respectfully, your obedient servant,

C. DELANO,  
Secretary.

Hon. W. M. STEWART,  
Chairman Committee on Railroads, United States Senate.

Under the act of 1864, as we have seen, it was provided that when the railroad companies "required" the lands they might make the advance for surveys and receive patents. They declined to make this advance, because they did not care for the patents; and then, under the act of 1869, lands were withheld by the Department to secure the completion of the roads.

If the roads had been accepted as completed when trains first commenced running through, in 1869, the companies would have been compelled to make the advance for surveys and take their patents, for in default thereof the three years after which they were to be subject to pre-emption at \$1.25 an acre would have expired in 1872. In other words, the companies would have been forced to decide whether they would take their patents before 1872 and sell their lands at good prices, or leave them unpatented and subject to entry and sale like Government lands, at the minimum price of \$1.25 an acre.

The bill that passed the House at this session aimed at a remedy for the injustice of allowing these granted lands to remain unpatented and therefore exempt from local taxation. This was right, and I have sought to secure the remedies it proposes, and at the same time to secure the rights of settlers to the benefit intended by the third section of the act of 1862, already cited. There is nothing in the amendment proposed but a declaration that the roads are completed for the purposes of that section, to the end that the three years may commence to run. This never should have been interrupted. The withholding of the lands from the companies under the authority of the resolution of 1869 creating the commission to examine the roads, taken

together with the action of two Secretaries of the Interior, has already postponed for five years the time when the lands granted in aid of these roads are to become subject to pre-emption as other public lands. This amendment proposes to put an end to that delay.

It also provides that patents shall issue as rapidly as the surveys are extended. This would require patents to issue immediately for several million acres of land already surveyed, and would in a short time make all granted lands along the line of these roads available for local taxation. The House bill is defective in that it does not declare the roads completed. The Government in granting the lands in the first instance reserved control of the manner of their disposition for all time except the three years next succeeding the completion of the road. This valuable reservation was to guard against the creation of a great land monopoly. It is defeated so long as the roads are declared by the Government to be incomplete. Congress should not allow these lands to be taxed away by the States, or to enable purchasers under tax sales to monopolize them as against settlers. This is the view taken by the Commissioner of the General Land Office in his letter to the Secretary of the Interior of the 13th instant. Alluding to the House bill he says:

The bill now before me seems to be sufficient to cover the case so far as respects the requirements of the twenty-first section of the act of 1864, and embodies substantially the views expressed by this office in the foregoing communications.

It still leaves untouched, however, the proviso to the third section of the act of July 1, 1862, referred to in the letter from this office to Mr. Kendall, and therefore, in my judgment, fails to remove one of the principal reasons which, according to the decision of the Supreme Court in the case of the Kansas Pacific Railway *vs.* John H. Prescott, "forbid the State to embarrass these rights (of the Government) by a sale for taxes."

The following is the decision of the Supreme Court referred to by the Commissioner:

SUPREME COURT OF THE UNITED STATES.  
Nos. 388 and 389.—December term, 1872.

In error to the supreme court of the State of Kansas.

The Kansas Pacific Railway Company, plaintiff in error, *vs.* John H. Prescott; and same *vs.* Charles C. Culp.

Mr. Justice MILLER delivered the opinion of the court:

This writ of error to the supreme court of the State of Kansas brings before us a record involving the right of that State to tax, under certain circumstances, the land granted by Congress to this company to aid in the construction of their road.

The case was heard in the State courts on an agreed statement of facts which presents the simple question whether the land was subject, in the year 1868, to State taxation. It was contended by plaintiff in error that, under certain provisions of the acts granting this land, it was not.

The statute which gave alternate sections of land on each side of said road, within certain limits, provided that a patent should issue to the company only as each section of forty miles in length should be completed and accepted by the President. It also contained a provision that any of these lands not sold by the company within three years after the final completion of the road should be liable to be sold to actual settlers under the pre-emption laws, at \$1.25 per acre, the money to be paid to the company.

The original act of 1862 was amended in 1864 by extending the limits of the grant on each side of the road, and by several other provisions favorable to the company. But by the twenty-first section of the amendatory statute it was declared that before any of the lands granted by the act should be conveyed to the company, the cost of surveying, selecting, and conveying such lands should first be paid into the Treasury of the United States by the company or party in interest, which amount should stand as a fund for the prosecution of the surveys of the public lands along the line of the road until the whole should be completed.

A question is raised whether the latter provision requires this prepayment of the cost of surveying for the lands granted by the original act, or is limited to the lands acquired by the extension of the grant. Looking to the whole scope of the amended act, and to the provision that the money so paid was to constitute a fund for the continuance and completion of the entire surveys along the road where none had been made, we are of opinion that no patent could rightfully issue in any case until the cost of survey had been paid. None of the road had been built when the amendatory act was passed. No right had vested in any tracts of land, and the power, as well as intent, of Congress to require such payment cannot be contested.

While we recognize the doctrine heretofore laid down by this court, that lands sold by the United States may be taxed before they have parted with the legal title by issuing a patent, it is to be understood as applicable to cases where the right to the patent is complete, and the equitable title is fully vested in the party without anything more to be paid or any act to be done going to the foundation of his right.

The present case does not fall within that principle. Two important acts remain to be done, the failure to do which may wholly defeat the right of the company to a patent for these lands.

1. The first is the payment of the costs of surveying. It is admitted that this has never been done in the present case. If the company have such an interest in these lands that they can be sold by the State under her power of taxation, then the title is divested out of the Government without its consent, and the right to recover the money expended in the surveys is defeated.

As the Government retains the legal title until the company or some one interested in the same grant or title shall pay these expenses, the State cannot levy taxes on the land, and under such levy sell and make a title which might in any event defeat this right of the Federal Government reserved in the act by which the inchoate grant was made.

2. Another important and declared purpose of Congress would be equally defeated by the title thus acquired under the tax sale, if it were valid.

It is wisely provided that these lands shall not be used by the company as a monopoly of indefinite duration. The policy of the Government has been for years to encourage settlement on the public lands by the pioneers of emigration, and to this end it has passed many laws for their benefit. This policy not only favors the actual settler, but is to the interest of those who, by purchase, own adjacent lands, that all of it should be open to settlement and cultivation.

Looking to this policy, and to the very large quantity of lands granted by this statute to a single corporation, Congress declared that if the company did not sell those lands within a time limited by the act, they should then, without further action of the company or of Congress, be open to the actual settler under the same laws which govern the right of pre-emption on Government lands, and at the same price. Any one who has ever lived in a community where large bodies of land are withheld from use or occupation, or from sale except at exorbitant prices, will recognize the value of this provision. It is made for the public good as well as for that of the actual settler.

To permit these lands to pass under a title derived from the State for taxes would certainly defeat this intent of Congress. It makes no difference in the force of the

principle that the money paid by the settler goes to the company. The lands which the act of Congress declares shall be open to pre-emption and sale are withdrawn from pre-emption and sale by a tax title and possession under it, and it is no answer to say that the company which might have paid the taxes gets the price paid by the settler.

For these reasons we think that though the line of the road had been built, and approved by the President, so far as to authorize the company to obtain a patent for this land, if they had paid the cost of survey and the expenses of making the conveyance, yet the neglect to do this and the contingent right of offering the land to actual settlers at the minimum price asked for its lands by the Government, forbid the State to embarrass these rights by a sale for taxes.

The judgment of the State court is therefore reversed, and the case remanded with instructions to proceed in conformity with this opinion.

The same judgment must follow in the case of the same plaintiff *vs.* Culp which falls within the principles here stated.

To hasten the time when the great grants of land to railroads may be open to settlement at the minimum price of \$1.25 an acre, and that meanwhile all such lands may be subject to taxation, it is necessary that this amendment should be adopted. It is legislation, but it is germane to the subject-matter of the appropriation provided for in the clause I seek to amend. I trust it may be adopted.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SPRAGUE. I move to lay the appeal on the table.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to lay the appeal on the table.

The motion was agreed to.

Mr. EDMUNDS. The question being on the third reading of this bill, I ask to have read a report made by the Senator from New Jersey [Mr. FRELINGHUYSEN] from the Committee on Indian Affairs on the 16th of May, 1872, relating to this Langford claim, which is in this bill.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The Committee on Indian Affairs, to whom was referred Senate bill No. 744 for the relief of William G. Langford, respectfully report:

That the claim of Langford, as assignee of the Commissioners of the American Board of Foreign Missions, to the tract of land which forms the subject-matter of this bill, is based upon the act of August 14, 1848, entitled "An act to establish the territorial government of Oregon," (Statutes at Large, volume 9, page 323,) and upon a provision of the act of March 2, 1853, entitled "An act to establish the territorial government of Washington," (Statutes at Large, volume 10, page 173.) The first-named act provides "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong." From a statement made by the Commissioner of Indian Affairs, the missionaries of the said board of missions abandoned the tract in question on the 4th December, 1847, and between that date and 2d of May, 1862, made no demonstration of returning to occupy the same, but were in the intermediate period engaged elsewhere, the tract remaining, during the first eight years of that period, unoccupied and unclaimed, except under the general Indian title to that section of the country. As the act of August 14, 1848, required present occupation for missionary purposes as a condition to the grant, the board, having left the tract prior to that date, would appear to have no claim to the land under that act. The act of March 2, 1853, however, provides "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary stations respectively belong." While it is not probable that Congress intended by this act, to convey to any religious society lands once held by them as a missionary station, but which had been abandoned by them over five years before, it would appear that a technical title is conveyed by the provision quoted.

It is stated by the Commissioner of Indian Affairs that on the 2d of May, 1862, the American Board of Commissioners for Foreign Missions notified Agent Hutchins, of the Lapwai Indian agency, that the board claimed, under the foregoing provisions of law, the tract of land described in Senate bill 744, being the land upon which said agency was then and is now located, and which is now claimed by Langford as the assignee of said board. In February, 1868, Langdon S. Ward, treasurer of said board, executed a deed of conveyance of the said tract of land to the said Langford, for a consideration named of \$500. Suit was commenced by the said Langford, in the district court of Idaho, against the Indian agent, for the possession of the property, and judgment by default was entered in his favor October 9, 1869. These facts having been submitted to the Secretary of the Interior, that official instructed the Indian Bureau that "the land claimed by the mission board, being within the diminished reserve of the Nez Percé Indians, and never having been relinquished by said Indians, will be retained for their agency purposes." Langford applies to Congress for relief. If the treaty of June 11, 1855, with the Nez Percé Indians, by inadvertence wrested from the mission board, or its assignee, rights vested in it by the act of 1853, the claimant, if the legal assignee of the mission board, is entitled to relief, but not to the extent of the sum named in Senate bill 744. The consideration actually paid by him to the mission board for the assignment of their claim would seem to afford an equitable measure for the degree of relief to be afforded; and in accordance with this view the committee recommend the passage of the accompanying substitute for the bill.

Mr. EDMUNDS. I do not intend to delay the passage of this bill by any extended observations; but I think it due to the cause of truth and justice that this unanimous report of the Committee on Indian Affairs, made two years ago upon the subject of this claim, should be read, by which you have the authoritative statement of this committee that this claim in the first place had no foundation in law, that possibly by a later act, in the second place, there may have been a technical and inadvertent title confirmed in this Board of Commissioners for Foreign Missions, they having by the very act confirming the title no power of alienation at all. This speculator bought for \$500 the title of these missionary people, or their chance. He then brought an action against the Indian agent, as if he represented the United States, and the Indian agent conveniently did not appear, and the claimant took a judgment by default, which is the judicial determination of the district court of that Territory against the right of the United States! This committee say that if this man has any



equity at all, as he plainly has no legal power to enforce his rights against the United States, it is equity to reclaim his \$500 that he paid and no more. In two years, on the report of the Committee on Appropriations, \$500 has grown to \$15,000! I do not know but that it is best to pass it in this shape. Perhaps there is no help for it now in either case; for in the same ratio if we were to put it off until another year it would grow to \$25,000, and so on.

I only call the attention of the Senate to this formal, authoritative, and unanimous report of the Committee on Indian Affairs of two years ago to show that this profound swindle, as this paper shows it to be, of this claimant, and for which the Committee on Indian Affairs only proposed to pay a return of the consideration that this speculator gave of \$500, has now grown so that the Treasury of the United States is to be taxed \$15,000 to pay this speculator for his chances against the Government of the United States.

Mr. SPRAGUE. I submit a motion to reconsider the vote by which that amendment was adopted. It is on page 20.

Mr. EDMUNDS. I have no right to submit that motion myself, for the reason that I voted against the amendment; but I thought it due to truth and justice to give you the authoritative report of the Committee on Indian Affairs on the subject of this claim.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to reconsider the vote by which the Senate concurred in the amendment in Committee of the Whole in regard to this claim.

Mr. BOGY. The report read by the Secretary was before the Committee on Indian Affairs, and was carefully investigated. Many of the facts, stated as facts in the report made two years ago, upon a laborious investigation were found not to be correct, and that report itself admits that the owners of this land, whether Mr. Langford or anybody else, have title, whether they paid \$500 or more or less. The man is entitled to compensation for his loss, or nothing at all.

Mr. EDMUNDS. It does not admit that he has any title.

Mr. BOGY. Then why give him \$500? If he is entitled to \$500 you admit the title in him. He had a title both under the law of 1848 and under the law of 1853. The title has been recognized by the Government of the United States; the land has been surveyed and the survey has been approved as a part of the official surveys of the United States.

Mr. KELLY. As there has been an intimation that there has been swindling going on in this matter, I wish to state, and I may require possibly more than five minutes if it is allowed me, the grounds of this title.

When the Territory of Oregon was organized on the 14th of August, 1848, it was deemed proper to provide for the missionary stations that had been located there many years before. On a certain day in November, 1847, a few months preceding, the Whitman massacre took place, when the missionaries, these among others, were driven from their location. They were not in possession technically on the 14th of August, 1848, on account of the insurrection in the Indian country. All the whites were driven out. Hence it became necessary to secure the title beyond question; and when Washington Territory was organized it was provided—

That the title to land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in the said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, with the improvements thereon, be, and the same is hereby, confirmed to the several religious societies to which the said missionary stations severally belong.

That was a confirmation of the title to any missionary station that had been located at any time prior to the 14th of August, 1848. That secured a confirmation of the title. There have been many titles in Washington Territory and in Oregon confirmed to the several religious societies there, and this, among others, is as perfect as any one there. It was settled in 1836. That missionary society christianized the Nez Percés. There was the first printing establishment set up on the Pacific coast. There certain hymns were published in the Nez Percé tongue, and a part of the New Testament was translated for their benefit. That tribe, above all others, is the one that has never shed a drop of white blood. Their civilization commenced by that missionary society, and for that reason Congress thought in that day that it was necessary to reward these faithful men.

The society, not desiring to get into litigation with the United States, transferred the land to Mr. Langford for the nominal consideration of \$500 and other services that he had rendered the society. There is no question but what the title is perfect in him. Mr. Langford desires either the possession of his premises or payment for them; and I may here say, if it is proper for me to refer to what a House bill contains, that the House committee propose to leave it to the courts to decide what was the value of the premises. That is perfectly satisfactory to Mr. Langford; or he is satisfied to have the United States appoint one person and let him select another, the two to select a third, and ascertain by arbitration what the value is. Not only that, but he is perfectly willing to let the United States take all its property off his land and give him simply the land and what is a reasonable amount for the use and occupation of it. Either will satisfy him; but he thinks it proper when he has the title to the land, and the United States have put \$66,000 worth of improvements on the land, that they should either give him his land or pay him what it is worth.

So far as the value is concerned, I have affidavits (and they were

before the committee) from various men swearing from fifteen thousand up to forty thousand dollars as the value of these premises, independent, too, some say, of the improvements placed on them by the United States.

It may be said that because the committee two years ago found that \$1,500 was the value, therefore Mr. Langford was bound to accept it. He did not prosecute that case in the other branch of Congress. When that committee made the report he let it go; he would have nothing to do with it; he would not accept it, and I presume no man can force him to give up his land even to the United States for \$1,500 if he estimates it as of greater value. He does estimate it at the sum I have stated. The committee found that that was its value after full and fair investigation.

This is all I have to say about it. It seems to me that it ill becomes the United States to hold possession of his land—

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The Senator has spoken five minutes.

Mr. ALCORN. When this question was being discussed upon the amendment offered by the Committee on Appropriations, I was well satisfied of the injustice of this demand, and while I think the country owes an obligation to the honorable Senator from Vermont [Mr. EDMUNDS] for bringing forward indisputable evidence of the fact that this is an attempt to wrong the Government out of the sum of \$15,000, it does not in any degree weaken the judgment that I formed when the question was under discussion.

It was said in the discussion of this section that this party had a judgment against the Government of the United States, a judgment of ouster for this land. It turns out now that the party brought a suit against the Indian agent, and that the Indian agent permitted a judgment by default to be entered against him. Of this the evidence stands here unmistakable, so that there was collusion between this man and the Indian agent from the beginning of this transaction down to the time when this judgment was rendered, and I have no doubt in my mind, without knowing the fact to be so, that whatever may have been recovered from the Government upon this claim would have been divided between the party and the agent.

It was argued here awhile ago that this man could bring an ejectment against the Government of the United States and recover all these buildings and take them unto himself. Is there a lawyer here who will attempt to enforce the idea before the Senate that this party could sue the Government, even though his title was ever so good, and recover a title against the Government, and then take to himself, without any remuneration to the Government, the buildings it had erected upon this land, he standing there and permitting the buildings to be erected, he in collusion with the agent all the while, he standing by and waiting his opportunity to come forward and make this demand of the Government of the United States that he might make \$15,000 off an investment upon its face of \$500; and how much he paid no one knows? I doubt, looking at this transaction, regarding it from beginning to end as a fraud, whether in truth and in fact he paid anything.

Mr. KELLY. Will the Senator allow me to correct him?

Mr. ALCORN. Certainly?

Mr. KELLY. I have not here the record of the judgment obtained, but I know this is the substance of it; it may be among the papers in the possession of the committee. There was not technically judgment by default. There was a demurrer interposed. Suit was brought and service was made upon the Indian agent as the person in possession. He employed or spoke to the district attorney, who filed a demurrer. The demurrer was held over by the court for one or two terms, and then overruled. Application was afterward made to file an answer, I think; I do not know whether leave was given or not; but no answer was filed and judgment was entered upon the demurrer. If that was default, then there was default.

Mr. ALCORN. Well, Mr. President—

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. EDMUNDS. Have I any time left?

The PRESIDING OFFICER. The Chair is not aware that the Senator has spoken before on this question.

Mr. EDMUNDS. Lest I should violate the rule of the Senate I move to postpone this bill indefinitely. I believe there is not any limit to debate on a motion to postpone indefinitely. I do not intend to weary the Senate.

Mr. OGLESBY. Is there not a motion pending to reconsider?

Mr. EDMUNDS. I suppose there is; I take it a motion to postpone indefinitely overrules that.

The PRESIDING OFFICER. The motion of the Senator from Vermont is in order.

Mr. EDMUNDS. I think it will be difficult, Mr. President, for Senators to avoid finding out what the truth is, if you can believe the unanimous report of the Committee on Indian Affairs as made by the Senator from New Jersey, and then say afterward that they voted in ignorance. That is all I have to do with it.

Now, Mr. President, the Senator from Oregon [Mr. KELLY] says that this was not a judgment by default. He has not the papers here to show it. I assume that he was not the counsel, and that he is acting on information. A responsible committee of this body reports that it was a judgment by default. I leave it to the Senate to determine which is most likely to be right in its opinion.

Secondly, I wish to call the attention of the Senate to what is also stated in this report, that when the circumstances were made known to the Secretary of the Interior, that official—and I now read from the report—

That official instructed the Indian Bureau that "the land claimed by the mission board, being within the diminished reserve of the Nez Percé Indians, and never having been relinquished by said Indians, will be retained for their agency purposes."

The responsible Department of the Government therefore repudiated this claim as having no lawful foundation to stand upon, and asserted the right of the United States to occupy these Indian lands with the consent of the Indians for the purposes of the Indians themselves. I put it to the honorable chairman of this committee, who I know will agree with me upon this subject, that these Indians had a title to these lands which the United States could not lawfully or rightfully dispose of without their consent to anybody; and that the Department of the Government charged with the administration of Indian and other interior affairs acted upon that principle, and held that this board of commissioners, to which Congress had undertaken to make a confirmation of these lands, had no title to them as against the Indians; and that the reservation, it being within the reservation all the time, was entitled to cover it. Then this man, knowing that he had no right in law, applied to Congress for relief.

That was the state of the case, and upon that application for relief the Committee on Indian Affairs two years ago unanimously report that all this man is entitled to, if he is entitled to anything, is the money that he paid for this speculative transaction, to wit, \$500. And, Mr. President, instead of conceding, as the Senator from Oregon says, that this man had a title, the Senator from New Jersey, acting for this committee with the learning and caution that characterize him, says: "If the treaty of June 11, 1855, with the Nez Percé Indians, by inadvertence wrested from the mission board, or its assignee, rights vested in it by the act of 1853, the claimant, if the legal assignee of the mission board, is entitled to \$500," as a matter of justice, in throwing up a bargain that he had no right to make. Therefore the Committee on Indian Affairs did not recognize this title. They well understood then, and unanimously understood then, that a confirmation to this corporation, without the act stating that it was to its successors and assigns, did not confer a title upon the corporation that it could convey to anybody else; and every lawyer within the sound of my voice understands as well as I do that that is the law. In order to confer a title on a corporation that it may convey, you must state in the statute or in the deed that carries that title that you convey to that corporation, "its successors and assigns." This act of Congress contained no such words. It was not intended that any such right should be granted. These lands were not granted to this corporation for the purposes of speculation and sale; they were granted to this corporation for the purpose of use for their religious objects in improving the condition of these Indians; and therefore the act of Congress, instead of saying that their successors and assigns might have these lands ever, said we confirmed to this Board of Commissioners for Foreign Missions the title to these lands; and then it turns out, even upon that point, on the report of this committee, as the truth and the law was, that the Indian title not having been extinguished, all this confirmation was still subject to the paramount and superior and original right of the Indians to hold and possess this land for the purposes of their reservation.

There is the truth and there is the law about it; and yet in the face of all this this man comes forward and taking advantage of the convenient opportunity of riding a claim that could not stand otherwise, on an appropriation bill, gets \$15,000 for his \$500. I submit, because I know how much in haste the Senate is, that we ought to agree to the motion of the Senator from Rhode Island and take this out of this bill and let it be considered by itself.

Mr. MORRILL, of Maine. Let us have the vote.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the bill.

Mr. EDMUNDS. I withdraw that motion.

Mr. OGLESBY. Mr. President, I am not disposed to sit silently by and hear the Senator from Mississippi and the Senator from Vermont throw calumny and insinuation upon a man who in character can establish himself before this Senate to be the equal of any man in fair standing in the community. He came before the Indian Committee as an honest man. He stood there with a bill sent down by the Secretary of the Interior asking Congress to recognize his title or to create a court by which his title could be tried; and Mr. Langford asked our committee to pass that bill that the Secretary of the Interior recommended. The chairman of the Committee on Indian Affairs introduced the bill into the Senate; it was referred to the Committee on Indian Affairs to create a tribunal to determine his rights, thereby recognizing the rights of this man Langford to this property. He is the just and honest owner of it to-day. Now after this Indian Committee have treated with him and persuaded him to consent to take \$15,000 and after the provision has fairly passed in this body, a report is brought in made by an Indian Committee two years ago which report Mr. Langford refused to accept.

What was the amount he asked for his claim then? Forty thousand dollars as I am told by the Senator from Vermont; for that I take his statement. He came here asking for his rights to this property. He says to the Government, "Take your property off; I do not want it;

remove these buildings; let me have my ground;" and the Government stands stock-still and refuses to remove them, keeps this man out of his just rights, and drives him away—this man who was there for years and years, ten or fifteen years in that country, and stood among these Indians with that missionary society, and in consideration of his services to the missionary association as much as for his \$500 they gave him the title to this ground. Ask about the man's character! Is he to be maligned by innuendo here as a fraud, and is the Committee on Indian Affairs to be included in the insinuation simply because a man can stand here as a Senator and the man outside cannot reply? I will reply for him, and I resent the imputation—there is no justification for it—that this man has tried to defraud the Government out of a dollar.

Mr. MITCHELL. I should like in the same line with the argument of the Senator from Illinois to inquire of him whether Mr. Langford did not propose originally to submit this whole question as to the amount that he should receive for this claim to a jury of his countrymen?

Mr. OGLESBY. Undoubtedly. The Indian Committee reported a bill to this body—and I had it in my hands an hour or two ago—against the wishes of Mr. Langford, and it is only this last week or two that he consented to accept the \$15,000 rather than be put to long delay and greater expense, and in addition to that to be insulted in this body where he cannot reply, he being a man of unimpeachable character, because he comes and makes a claim upon the Government. It is an easy thing to rise here and throw imputations and slurs and slander upon a man's character who cannot answer for himself. The eyes and ears of Senators are opened; they are alarmed, and by loud shouts of "fraud," "fraud," "fraud" they are terrified and Senators move to reconsider. You drive a man from his possessions, hold them yourselves, neither give him his property nor give him compensation!

An official document from the Secretary of the Interior, as the Senator from Connecticut [Mr. BUCKINGHAM] will state, was sent to us with the form of a bill to create a board for the purpose of determining its title to this land. The committee took it up and thought the Government would be on safer ground, far safer ground than to transmit it back there with the character of affidavits we had to read as to this man's title as to what he could show before a jury of his countrymen.

Now, if the Senate will consider this matter, I have only one word more to say. It does not concern me except as I have respect and feeling for the man. I say if the Senate now reconsiders its vote and puts this item out of the bill and out of the body, the chickens will come back to roost again. That man is not going to be pursued and not defend his rights. The best thing the Government can now do is to liquidate this claim, take the title, pay the \$15,000, and end the thing. If you do not it will linger in these Halls for years perhaps and end in a big bill of damages ultimately.

Mr. EDMUNDS. May I ask a question? I ask the Senator if he will be kind enough to just allow the communication from the Secretary of the Interior that he speaks of so much to be read, so that we can know what it does say?

Mr. OGLESBY. Am I mistaken about that, I ask the Senator from Connecticut?

Mr. BUCKINGHAM. There was such a communication.

Mr. OGLESBY. And the Secretary of the Interior sent the draught of a bill.

Mr. EDMUNDS. Let us see the evidence of it.

Mr. OGLESBY. I do not happen to have it here. I was instructed to report the bill back and did report it back with the letter, and I asked the Senate to pass that bill and I offered to take it up, but the Senator from California objected and it could not come up. There is no fraud in the matter at all.

The PRESIDING OFFICER. The Senator's five minutes have expired. The question is on the motion of the Senator from Rhode Island to reconsider the vote by which the amendment was concurred in.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SARGENT, (when his name was called.) On this question I am paired with the Senator from Wisconsin, [Mr. HOWE.] If he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 28, nays 20; as follows:

YEAS—Messrs. Alcorn, Boreman, Boutwell, Carpenter, Chandler, Dennis, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Ingalls, Merrimon, Morrill of Vermont, Robertson, Saulsbury, Schurz, Scott, Sprague, Stewart, Wadleigh, Washburn, and Wright—28.

NAYS—Messrs. Bogey, Buckingham, Clayton, Conover, Cragin, Davis, Flanagan, Gilbert, Harvey, Johnston, Kelly, McCreery, Mitchell, Norwood, Oglesby, Pease, Pratt, Ransom, Spencer, and Tipton—20.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Cameron, Conkling, Cooper, Dorsey, Ferry of Connecticut, Gordon, Howe, Jones, Lewis, Logan, Morrill of Maine, Morton, Patterson, Ramsey, Sargent, Sherman, Stevenson, Stockton, Thurman, West, and Windom—25.

So the motion to reconsider was agreed to; and the question recurred on concurring in the amendment made as in Committee of the Whole inserting after line 471:

For the purchase for an Indian agency station, the six hundred and forty acres of land situated on Lapwai Creek and Clearwater River, Idaho Territory, heretofore granted to the American Board of Commissioners for Foreign Missions, \$15,000:



*Provided*, That no part of this sum shall be paid until a perfect title to the said land shall be made to the United States by a warranty deed, to be approved by the Attorney-General.

Mr. SPRAGUE. Although that is an amendment of the committee, I raise the point of order on it.

Mr. EDMUNDS. There is no need of raising that. The Senate has determined against it. We can dispose of it in a moment.

The PRESIDENT *pro tempore*. The point of order will be stated.

Mr. SPRAGUE. That being to provide for a private claim, the amendment is not in order.

The PRESIDENT *pro tempore*. The Chair thinks it is too late to raise the point of order now. The Senate has voted on it and voted it in. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SARGENT. On behalf of the Committee on Appropriations I ask that the following order be made:

*Ordered*, That the sundry civil appropriation bill be printed with the Senate amendments numbered consecutively.

This is to accommodate the House.

The order was adopted.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the concurrent resolution of the House for the printing of two thousand copies of the report of the Commissioner of Education, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. G. DONNAN of Iowa, Mr. JAMES MONROE of Ohio, and Mr. EPPA HUNTON of Virginia, managers at the conference on its part.

The message further announced that the House had concurred in the amendments of the Senate to the following bills and joint resolution of the House:

A bill (H. R. No. 352) for the relief of Colonel E. McCarty;

A bill (H. R. No. 753) for the relief of Peter S. Patton;

A bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

A bill (H. R. No. 1915) to remove the disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

A bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and erection of a new marine hospital in the city of Pittsburgh, Pennsylvania;

A bill (H. R. No. 3162) for the relief of settlers on railroad lands;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under act of Congress of March 3, 1871;

A bill (H. R. No. 3173) for the relief of Janes A. McCullah, late collector of the fifth district of Missouri;

A bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

A bill (H. R. No. 3522) to extend the jurisdiction of the Light-house Board; and

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau.

The message also announced that the House had passed the bill (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road."

The message further announced that the House had passed a bill (H. R. No. 975) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870.

#### DEFICIENCY APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1873 and 1874, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 10, 11, 12.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 4, 8, 13, 17, 20, 21, 22, 23, 24, 28, 31, 35, 36, 37, 44.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 42, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 18, and agree to the same, as follows, namely: Substitute for the words stricken out the following:

"*Provided*, That none of the moneys hereby appropriated for the payment of deficiencies in the Indian service shall be paid until the necessity for the expenditures shall have been examined into by the Secretary of the Interior and any existing board of peace commissioners."

And the Senate agree to the same.

That the Senate recede from their amendment numbered 30, with an amendment as follows: Add after the word "Congress" at the close of the paragraph these words: "And the unexpended balance of the appropriation for wrapping-paper provided for in the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874, is hereby made available for the purchase of wrapping-paper and twine;" and the House agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of the said amendment after the word "the" in line 2 of said amendment, and insert the following: "Remainder of the Forty-third Congress not already paid for, \$42,364, in lieu of all compensation otherwise provided for;" and the Senate agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 41, and the Senate recede from their amendment, and agree to the following as a substitute for the original paragraph, namely:

"To pay the five Official Reporters of the proceedings and debates of the House for the remainder of the Forty-third Congress, \$24,815; and hereafter the pay of the Official Reporters of the proceedings and debates of each House shall be \$50,000, and the pay of official reporters of committees of the House shall be \$5,000 each per annum, and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees."

And the House agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: Insert after the word "erection" in line 4, page 30 of the bill, the words "and furnishing;" and insert after the word "building," in same line and page, the words "and grounds;" and insert after the word "money," line 9, same page, the words "or any part thereof;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Add after the word "dollars," in said amendment, the following:

"For Army pensions and expenses thereof under the various acts of Congress, \$300,000; and there is hereby appropriated a sum sufficient to make the compensation of the clerk of the House Committee on Invalid Pensions equal to \$2,160 per annum for the Forty-third Congress, and no longer."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same with an amendment as follows: Strike out the word "five" from said amendment and insert in lieu thereof the word "three," and after the word "hundred" in line 21, page 17 of the bill, insert the words "and fifty;" and the Senate agree to the same.

A. A. SARGENT,

LOT M. MORRILL,

JAMES K. KELLY,

Managers on the part of the Senate.

JAMES A. GARFIELD,

EUGENE HALE,

Managers on the part of the House.

The report was concurred in.

#### THE CONGRESSIONAL PRINTER.

Mr. ANTHONY. I ask the attention of the Senate to a report which I rise to make.

The Committee on Printing, to whom was referred the letter of "F. & J. Rives & Geo. A. Bailey, proprietors of the Globe," charging the Congressional Printer with being a defaulter to the Government of the United States in his paper account and with other malfeasance in office, have had the same under consideration and have instructed me to make a written report. I should like, as the Congressional Printer is an officer of the Senate, to make some remarks pertinent to this matter, but at this late stage of the session I will not do so. I will merely say that the committee have unanimously acquitted the Congressional Printer of the charges, and that the closing sentence of the report, which is signed by all the members of the committee, is in these words:

In conclusion, the committee find nothing whatever in the evidence that impeaches the integrity of the Congressional Printer.

I move that the report be printed.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia; and

A joint resolution (H. R. No. 115) for the relief of certain clerks and employes of the United States.

The message also announced that the House had passed a concurrent resolution authorizing the Clerk of the House in enrolling the seventh Senate amendment to the bill making appropriations for the payment of claims reported by the commissioners of claims, &c., to insert the words "seven thousand five hundred and forty-five," being the sum awarded to the party named in said amendment, and which was omitted from the Senate amendment as engrossed and sent to the House.

#### RIVER AND HARBOR BILL.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. CHANDLER. I move that the five-minute rule be applied to this bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. On page 15 the Committee on Commerce proposed to strike out in line 319 the words "for examinations and surveys of rivers and harbors and;" and in line 321 to strike out "seventy" and insert "twenty;" so that the clause would read:

For incidental repairs at harbors for which there is no special appropriation, \$25,000.

Mr. CHANDLER. I shall not resist non-concurrence with the amendment of the committee but ask that there be a vote.

The amendment was rejected.

The next amendment of the Committee on Commerce was to strike out section 2.

Mr. CHANDLER. I will not insist upon that amendment either. The amendment was rejected.

Mr. CHANDLER. I have some amendments from the committee which are not printed with the bill. I move on page 14 after line 3 of section 2 to insert:

Harbor of New Bedford, Massachusetts.

The amendment was agreed to.

Mr. SARGENT. I think if the bill is to pass it would be very much better not to make the inequality which now exists in the bill any more striking. This bill is a most extraordinary one, and finds its parallel only in one or two other river and harbor bills which before this time have passed Congress. The California delegation urged very strongly upon the committee of the House to pay some attention, some degree of respect to the recommendations of the War Department and Engineer Corps and to the estimates which were sent in, plainly and clearly showing the necessity of an improvement of Oakland Harbor. California is the third State in the Union for the extent of its sea-coast. They gave us for that whole extent of sea-coast \$25,000 for an item that we do not care one snap about, and have overlooked a harbor through which passes annually two and a half million passengers, through which passes annually \$70,000,000 of treasure, through which pass annually hundreds and hundreds of tons of freight, besides an enormous quantity of wheat; and for a harbor so situated, notwithstanding the recommendation of the Engineer Corps and of the War Department, we could not get the ear of the committee because they were so engaged in admiring every little saw-mill creek in Wisconsin or Michigan that they had no ear for anything that was farther off.

I hold in my hand this bill, numbering by the score almost appropriations for little harbors and little creeks scattered all through a little knot of States that seem to have the control of the committees charged with this bill. I find that some other States are recognized occasionally. I suppose it is perfectly proper that in the great State of New York the Great Sodus Bay should have \$15,000. When I read the bill, I supposed the adjective "great" entitled them to that; but on looking immediately below I found that Little Sodus Bay in New York has \$15,000 also; so that whether it is "great" or whether it is "little," anywhere in New York or anywhere in Wisconsin or anywhere where there are a good many votes to support a river and harbor bill, there is an opportunity for the demands of the Department and for the demands of the commerce of the country to be heard. But when it comes to a great improvement like that for which I speak, which is absolutely necessary to a commerce now carried on under the greatest difficulties, then it cannot be heard!

There was another amendment proposed by my colleague for San Diego Harbor. As it was shown to this committee, it was plain that the river had burst its bounds this last season under the exigencies of the floods, so that that which formerly ran into False Bay had forced its way into San Diego Harbor, so that the second best harbor on the coast, almost the only one outside of San Francisco which is safe for large fleets, was filled up by mud and sediment carried down that river, was rapidly filling up from headland to headland; and it was known that in a year or two it would be so filled up that this magnificent harbor would be entirely obliterated. Could we get the ear of the Senator from Michigan to that for one moment? Notwithstanding that the department themselves had made the surveys, had recognized this exigency and had called the attention of Congress to it, no more could we get the attention of the chairman of the committee of the other House and his committee there, but when it was called to their attention it was passed aside; and we were told, "O, no; we are not going to do any new work." That is what we are told, "no new work," although nature itself has compelled the necessity for the work. You can improve your Little Sodus and your Big Sodus, and you can find your way all through these little places in Michigan, the names of which are so obscure that you will not find them written down on any map, however minute, where perhaps there may not be anything more than a saw-mill or a farm-house seen in the yet uncut forest, and there in order to get saw-logs out of those native wilds you make these improvements; but where there is a town of twenty thousand inhabitants as there is at Oakland, where there is a growing city as there is at San Diego, where there are two and a half million passengers passing over the water-front that we ask to be improved, nothing whatever can be done; and why? Because it is so far off, being on the Pacific coast!

Is it because the representatives of that coast are few in Congress and we cannot be heeded? Or is it true that it is not the policy of Congress, no matter how urgent a case may be, to do anything toward new works of improvement, although they may be so important that you are drying up the sources of your commerce, although they may be so important that without them your harbors will be blockaded up, and the ships will sail for hundreds of miles along an inhospitable coast without opportunity for refuge or opportunity to land their cargoes? The difference between the continent of Africa to-day and that of Europe, and that of America, is that one is not indented with

harbors, and there are no waters running from the ocean inland over which commerce can sail and the inhabitants get contact with the outside world. This circumstance makes the difference between barbarism, sterility, and degradation and civilization, cultivation and elevation. The difference is made by access to the ocean.

The PRESIDENT *pro tempore*. The Senator has spoken five minutes.

Mr. CHANDLER. Mr. President, this Oakland, if that be the name, is a place where a railroad has built a trestle-work out into San Francisco Bay on one side of it. It would cost several million dollars, I cannot tell how many, and is for the benefit of this railroad company. The engineers say this:

If such be the views of Congress—

That is it is not recommended, but—

If such be the views of Congress, and if it be decided to improve the harbor of Oakland, we recommend the appropriation of the amount necessary to construct the two training walls and dredge out a channel between them one hundred feet wide, having a depth of six feet at low water, at the present session of Congress, namely, \$479,094.

The Committee on Commerce do not look upon this Oakland scheme as a proper one for it to take hold of at this time. If there is any State in the Union that has no reason to complain of the liberality of this Government, certainly it is the State of California. The Senator forgets that we are paying \$1,075,000 a year subsidy to two steam lines for the benefit of the commerce of San Francisco. He forgets that we have been paying this enormous sum for years. He forgets that this nation has expended millions and tens of millions of dollars in building a railroad for California and in building this very railroad that now comes into this town of Oakland and asks an enormous appropriation to create a harbor where none exists and when they might have terminated their road upon a good harbor just as well as run it out on trestle-work where there is no harbor. I ask for a vote.

The amendment was agreed to.

Mr. CHANDLER. On behalf of the Committee on Commerce I propose after line 71 of section 2 to insert:

Red River of the North, from Breckinridge to Moorhead.

The amendment was agreed to.

Mr. DAVIS. I wish to make a correction in line 73 of section 2. "West Virginia" should be inserted where "Kentucky" is. The river is in West Virginia.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment will be considered as agreed to if there be no objection.

Mr. CHANDLER. After line 80 of section 2 the committee propose to insert:

Big Sandy River, from its mouth to Piketon and to Warfield, in Kentucky.

The amendment was agreed to.

Mr. CHANDLER. After line 85, section 2, the committee propose to insert:

For a channel of land-locked navigation from the Mississippi River, at or near New Orleans, along the lakes, sounds, and estuaries of the gulf shores, thence by river and canal across the peninsula of Florida to harbors of the Atlantic coast.

The amendment was agreed to.

Mr. CHANDLER. In line 89 of section 2, before "Wicomico," the word "Little" ought to be inserted.

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. CHANDLER. There is one amendment that the committee propose on page 14, line 318 of section 1—to insert the following, which does not increase any appropriation, but simply explains how an appropriation shall be expended:

That the appropriation under the act of March 3, 1873, for the improvement of the harbors of Washington and Georgetown, be made to apply to dredging the Virginia or Georgetown channel of the Potomac above and below Long Bridge, and that the earth excavated therefrom be deposited so as to carry out as far as practicable the plan for improving the harbors of Washington and Georgetown in accordance with the report made to Congress December 17, 1872, by a board of survey created by an act of Congress approved March 5, 1872.

The amendment was agreed to.

Mr. HAMILTON, of Maryland. I have a little amendment to offer at the end of the bill for a survey.

Mr. DAVIS. I wish to inquire now whether the second section is retained or not? The committee recommended striking it out.

The PRESIDENT *pro tempore*. That amendment has been disagreed to.

Mr. STEVENSON. I should like to inquire of the gentleman who has the bill in charge whether the committee insist on their amendment to strike out in the bill from line 319 to the end of the first section?

Mr. CHANDLER. No; that amendment has been non-concurred in. That clause remains as it passed the House.

Mr. HAMILTON, of Maryland. I offer the following amendment, to come in after line 190 of section 2, for the survey of a little harbor on the Potomac River:

Harbor of Leonardtown, Britton Bay, Potomac River, Maryland, with a view to remove obstructions.

The amendment was agreed to.

Mr. RANSOM. I offer an amendment on page 10, line 224, to strike out "one" and insert "two;" so that the clause will read:

For continuing the improvement of the Cape Fear River, North Carolina, \$300,000.



Mr. CHANDLER. I hope that amendment will not be agreed to. The committee did not recommend an increase of the amount in this bill, but struck out certain items and added the amounts that were stricken out for other works. All the additions that were recommended have been concurred in and none of the diminutions. Now I have upon my desk something over \$4,000,000 of proposed amendments to this bill. It must be apparent to every one that if we begin to adopt these amendments they will load the bill so heavily that it will sink.

Now, sir, with regard to Cape Fear River, I hold in my hands the revised estimate of the engineers, which I will read. The original estimate of the board of engineers was: "For Cape Fear River \$150,000." The revised estimate was \$100,000, and the committee allowed precisely the amount asked for in the revised estimate. I hope the Senate will stand by the committee and by the recommendation of the board of engineers, and retain the Cape Fear appropriation at \$100,000, as it stands in the bill.

Mr. RANSOM. Mr. President, I will not detain the Senate at this late hour more than a few moments. The statements made by the chairman of the Committee on Commerce are true. This amendment for \$200,000 is not recommended either in the revised or original estimates from the Engineer Department. But there is now before the Committee on Commerce, and I have instructed the clerk to have it here for the information of the Senate, a letter from Colonel Craig-hill, the engineer in charge of the work. In that letter this officer, distinguished for his skill and judgment and thoroughly acquainted with the Cape Fear Harbor, declares that an appropriation of \$250,000 ought to be made for this improvement. I will have the letter read for the information of any Senator who desires it. The experiences of last year leave no doubt that \$100,000 is totally inadequate for the consummation of the work. But, in the opinion of this reliable engineer, an expenditure of \$250,000 promises results that make it our duty not to hesitate to make the appropriation. Not only his reports, but the concurrent reports of all the officers who have examined the Cape Fear Harbor, without exception, abound with evidence that for the meager amounts appropriated extraordinary results have been accomplished; and I believe that with the expenditure of the sum now asked the highest expectations of the engineers will be realized. I shall not undertake to explain to the Senate the manner in which this improvement is to take place. I will simply state that is the judgment of every competent engineer, fortified by the conclusion of all men of practical sense who have a knowledge of the harbor, and confirmed by uniform experience for half a century.

Nor, Mr. President, is this a mere local work. Let me assure the Senate that it is a great national improvement. Look at our Atlantic coast. You will see that the Wilmington or Cape Fear Harbor lies not very far south of Cape Hatteras, on the great coast line of American trade. It is well known to mariners that Hatteras is one of the most, if not the most, dangerous point upon the American or any other coast. I do not know what to say of it except that it seems to be the rendezvous for all the perils of the sea. Cape Fear Harbor, lying immediately south of this fearful impediment to navigation, is a convenient refuge for the crippled and wrecked vessels that have survived its winds and rocks and storms. I need not say to the Senate how important, how prudent, how humane it is that this harbor of refuge for the commerce of the whole coast should be cared for by the Government.

And let me say that in another sense the port of Wilmington greatly deserves our consideration. Are Senators aware that the exports of Wilmington for the last year amounted to \$13,000,000; that thirteen hundred vessels were entered and cleared at her bar; that her shipping-list in the year 1873 increased one hundred and twenty vessels; that her exports of lumber reached twenty million feet, her resin a half million of barrels, her turpentine two hundred thousand casks, her cotton fifty thousand bales? Situated as Wilmington is in the heart of the cotton and great lumber region of the South, at the mouth of the Cape Fear River, which runs back two hundred and fifty miles to the inexhaustible coal and iron beds of North Carolina, with three trunk lines of railway extending north, south, and west, almost in speaking distance of Cuba and the West Indies, and with a coast line from the Gulf to the northern lakes, she must become the great depot and market for lumber, for coal, for naval stores, and for all the productions of that section of the country. Why, there is not a city on the waters of the Atlantic that is not interested in the improvement of Cape Fear Harbor. In Norfolk, Richmond, Baltimore, Philadelphia, New York, Boston, you will find the naval stores, the lumber, the turpentine and resin of Wilmington. The whole country has an interest in this improvement.

There is another consideration which I wish to address to the Senate. I have before me—and I regret that I have not time to read it—a speech of Hon. William S. Ashe, formerly a Representative from the Wilmington district in the other House of Congress, delivered in 1858. I must say that I knew him well, and I never knew a man of more intelligence, more patriotism, or better common sense. In that speech he informed the House that before the erection of Fort Caswell in 1823, the bar at Wilmington drew from sixteen to twenty feet of water. The position of the fort and its influences on the current of water and sand-drifts soon filled the channel and left only some nine feet of water—

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator has spoken five minutes.

Mr. RANSOM. I appeal to the Senate to adopt the amendment.

Mr. CHANDLER. Permit me to say that the Senator is reading from the local engineer's report. Were we to take the reports of the local engineers on all these different works, \$30,000,000 would not begin to carry out their wishes. We take the report of the board of engineers, and we have given every cent that the board of engineers asked for this work, to wit, \$100,000, and that is the largest appropriation which has ever been made to that harbor, and the Senator himself says the benefit has been incalculable from the \$100,000 appropriations which we have heretofore made. I hope therefore the Senate will stand by the recommendation of the board of engineers and leave this appropriation as it is. It is the largest made for any harbor in the United States.

Mr. SPRAGUE. I had occasion when this appropriation was first introduced into the Senate to approve of it. I approve of it because the improvement is in a section of the country which makes it national in its character. It is national because we are deriving immense advantages from the industries of that section. Whenever the Congress of the United States can contribute their moiety, their pitance, in any direction where it will be of advantage to that section of country, it is important that Congress should do it.

The Senator from North Carolina has urged this proposition from its local considerations. I urge it from its national considerations. Without the industries as they are developed at the South, this country, bearing its great debt, would be prostrate to-day. Take California, with all its accumulations through mines and minerals, or any other portion of your country, and it cannot compare with this region in the accumulation of balances favorable to your industries. It is upon your foreign balances that you are to-day able to sustain whatever financial credit you have. I trust the Senate will accord to the request of the Senator from North Carolina for the appropriation he desires. It will be the money best spent of any appropriated on any of the bills I have seen entertained in the Senate. I hope that the request of the Senator from North Carolina will be favorably considered.

#### INDIAN APPROPRIATION BILL.

Mr. SARGENT. I ask leave to submit a report from the second committee of conference on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The conference report has been heretofore agreed to by the Senate, but was disagreed to by the House of Representatives, and a second committee appointed. The only difference between the two Houses was on the single item of the appropriation for the Apaches, the House disagreeing with the amount which the Senate required for that purpose. The second conference have reduced that appropriation \$50,000, making it \$500,000 instead of \$550,000. That being the only difference, I ask that we have a vote at once on the report.

The report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes."

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

#### RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The question is on the amendment of the Senator from North Carolina [Mr. RANSOM] increasing the appropriation for continuing the improvement of the Cape Fear River, North Carolina, from \$100,000 to \$200,000.

Mr. CHANDLER. I hope it will not prevail.

The amendment was agreed to; there being on a division—ayes 31, noes 10.

Mr. FRELINGHUYSEN. I offer the following amendment to come in on page 12, after line 278:

That the sum of \$50,000 is appropriated for the opening and improving of the channel between Staten Island and New Jersey.

Mr. President, New Jersey has made very few applications for appropriations of this kind by the Government. This is a very essential one. There is a narrow strait of water between Staten Island and New Jersey known as Arthur Kill. It does not belong to the jurisdiction of either New York or New Jersey exclusively. All the commerce passing from the city of New York to Philadelphia has to pass

through this narrow strait. As it is now, it is not navigable except at high tide. Consequently, there is a great delay in vessels and a great expense in consequence of vessels getting aground there. I will state that the navigation through that strait which comes from the Delaware and Raritan Canal alone is \$40,000,000 a year, and the whole navigation is impeded by the delay in consequence of the necessity of dredging out that strait. We now ask this small appropriation of \$50,000, which is really a national appropriation, for no vessel can have any inland navigation between those cities except through that narrow strait.

Mr. CHANDLER. I do not know that it is worth while for me to attempt to resist any additions to this bill. My impression now is that the intention is to load this bill until it is loaded down, and hence I shall not resist anything. I will inquire, does this amendment come from any committee?

Mr. FRELINGHUYSEN. Notice was given of it and it was served upon your committee.

Mr. CHANDLER. My committee did not adopt it.

Mr. FRELINGHUYSEN. No; but notice was given of it.

Mr. CHANDLER. I make the point of order on it.

Mr. FRELINGHUYSEN. What committee could it come from?

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) Is the Senate ready for the question?

Mr. CHANDLER. I made a point of order, and I ask the Chair to rule upon it. The amendment is not recommended by any committee.

Mr. FRELINGHUYSEN. Notice was given of this amendment, and it was served on the committee.

The PRESIDING OFFICER. The Chair understands the Senator from New Jersey to say that he gave notice of this amendment and had it referred to the Committee on Commerce.

Mr. FRELINGHUYSEN. I did.

The PRESIDING OFFICER. The thirtieth rule provides in the first place for amendments to general appropriation bills. This bill is not a general appropriation bill, but is a special appropriation bill which does not go to the Committee on Appropriations. In this respect the language of the thirtieth rule provides:

And in like manner, notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.

The Chair is of opinion that the words "in like manner" in connection with what precedes them refer to the fact of notice and do not refer to the provision of carrying out any existing law, &c., for the provision is:

All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall, one day before they are offered, be referred, &c.

And "in like manner notice of amendments to bills making appropriations for rivers and harbors" shall be referred. The Chair is of opinion that amendments to these bills must be reported from some committee and then referred, but it is not necessary that they shall be made to carry out the provision of an existing law. Therefore, if the amendment of the Senator from New Jersey was referred to the Committee on Commerce on the recommendation of any other committee, it is in order. If it was referred merely on the motion of the Senator from New Jersey alone, the Chair is of opinion that it is not in order.

Mr. FRELINGHUYSEN. Well, Mr. President, for information, with all respect, I ask how is the judgment of the Committee on Commerce ever to be corrected? There is no committee to whom I could apply to have that recommendation.

The PRESIDING OFFICER. The Chair is unable to answer that question, but only undertakes to administer the rule as in the opinion of the Chair it was evidently intended to be administered.

Mr. HAMILTON, of Texas. I send an amendment to the desk, to insert in section 2, making provision for surveys, line 53, after the word "bar" the words "and Red Fish Bar;" so that it will read:

Cedar Bayou Bar and Red Fish Bar, in Galveston Bay, Texas.

The chairman of the committee agrees to this amendment.

The amendment was agreed to.

Mr. HAMILTON, of Texas. I offer another amendment, to insert in the same section, after line 78, the words "mouth of Saginaw River, Michigan."

The amendment was agreed to.

Mr. WEST. I am instructed by the Committee on Transportation Routes to the Sea-board to offer the following amendment as an additional section to the bill:

SEC. — That a board of engineers, to be composed of two from the Army, two from the Coast Survey, and three from civil life, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf, or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of all said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. WINDOM. I offer the following amendment, to come in on line 125, page 6:

Strike out "50" and insert "200," so as to increase the appropriation for continuing the improvement of the Falls of Saint Anthony from \$50,000 to \$200,000.

I ask the attention of the Senate to this amendment. It is one in which I feel a great interest, and I believe that if the Senate understand it there will be no question about its adoption.

When the Department were requested at the opening of this session to revise and reduce their estimates they sent back the following statement:

Having thus presented the reasons for the scale of expenditure recommended by this department, I have now, in conformity to the resolution of the House of Representatives and the requirements of the President and Secretary of War, to submit revised estimates, taking for guide the appropriations of the last river and harbor act, with the condition added that the estimates shall not be so reduced as to cause serious detriment to the public service. The estimate of amounts needed for the preservation of the Falls of Saint Anthony, and the deepening of the channel at the mouth of the Mississippi River, are instances where the original estimates are retained under the latter condition.

Thus among all the improvements named for the country but two were selected upon which specific stress was laid by the department that the amounts estimated for were required and could not be reduced without serious detriment to the public service.

Now, Mr. President, the amount that I have offered conforms to the reduced estimates of the department. It is the amount which the department say must be appropriated in order that the public service may be subserved. I ask that the amount thus demanded by the department, which they say is absolutely necessary, may be appropriated.

The appropriation recommended here by the department is for the preservation of the Falls of Saint Anthony. We have above those Falls now eighty miles of river navigation. We have around in the region which is benefited by that navigation over two million bushels of wheat produced at present, and within the next three or four years it will be ten millions. The saving produced by this navigation to-day is seven cents per bushel on transportation, amounting to over \$140,000 a year. The department tell us that unless the amount they ask for is appropriated there is great peril that the Falls of Saint Anthony will go out within the next year. It is but a thousand feet from the lower edge of the falls to-day to the upper end, and a thin rock alone protects it, and the water is already percolating through the sand below. It is of the most imminent necessity that whatever is done should be done at once in order that that navigation may be maintained, and as our investigations this summer showed, a slight appropriation above the Falls of Saint Anthony will give us five hundred miles of navigation into the finest wheat region in the world.

Now, Mr. President, if these falls are permitted to go out we shall have to expend many millions of dollars in order to build a dam there. If they do go out we shall have eight or ten miles of rapids which can never be improved without the appropriation of many millions. A small amount now will save it, and as the department tell us they must have that amount, and when asked to reduce it say they could not cut it down without serious detriment to the public service, I ask that it may be allowed.

Mr. CHANDLER. I merely wish to state that not one single dollar of this \$50,000 or the \$200,000 is used even in the interest of navigation. It has no more business in this bill than an appropriation to build a saw-mill on any river in these United States. It is simply to protect a water-power. They have not dug a single foot to improve navigation. They have not done a thing except to spend this money to protect a water-power at the Falls of Saint Anthony.

Mr. President, I am sorry the Senator from Minnesota has offered this amendment, for it will compel me to state the facts in this case. The committee with great reluctance took the appropriation as it stands, because it was in the bill as it came to us from the House. The opinion of the committee was unanimous that this appropriation had no business whatever in this appropriation bill. We are not in the habit of building dams and spending hundreds of thousands of dollars to protect the private water-power of anybody.

Mr. RAMSEY. I will say to the honorable Senator, if that is so, the committee were very poorly possessed of information.

Mr. CHANDLER. We had all the information we could have.

Mr. RAMSEY. I cannot conceive that any committee properly informed on this subject would come to such a conclusion.

The Senator says this is an inappropriate appropriation. By it you save a navigation already in use upon which steamers ply for seventy-five miles, and with a few changes in the channel, with here and there a change, the removal of a bowlder or a few rocks, you can have five hundred miles of good navigation above the Falls of Saint Anthony.

The theory on which the appropriation has been made to Saint Anthony Falls from time to time is that if these falls were swept out the river would be, as my colleague says, a continuation of rapids instead of a navigable stream above. Surely no one wants to let the Father of Waters run down into such a contemptible condition of things as that, and you can save it all by this small appropriation. The common pride of an American citizen would prevent him allowing that kind of degradation to this great river, if there was no other motive.

But, sir, at the Falls of Saint Anthony we have an immense water-power that we desire to save, not for ourselves alone, but for the nation. You may say it is an individual matter, a mere private enter-



prise; but it is so large that it becomes national in its character. There at those falls by the mill-power they have they turn out seven thousand barrels of flour every week; millions and millions of bushels of wheat are turned into flour there; besides a great number of other enterprises. It is one of the largest lumber establishments; a larger amount of lumber-sawing is done there than in almost any other locality on the continent.

Mr. THURMAN. Will my friend allow me to ask a question?

Mr. RAMSEY. I have but five minutes.

Mr. THURMAN. If there is such an amount of business there, cannot the proprietors of those mills secure their works themselves?

Mr. RAMSEY. Well, sir, they have done so; they have almost reduced themselves to poverty by their efforts in this direction. The towns in that vicinity have taxed themselves three or four hundred thousand dollars to save that water-power. Now, would the Senator, in the face of all these facts, and the large interest the nation has in this work, make these people individually tax themselves to their perfect ruin and destruction?

Mr. SPRAGUE. From the statement made by the chairman of the committee who reported this bill, I deem it my duty to move that lines 123, 124, 125, and 126 be stricken from the bill. Those lines read as follows:

For continuing the improvement of the Falls of Saint Anthony and for the improvement of the Mississippi River above the Falls of Saint Anthony, Minnesota, \$50,000.

The PRESIDING OFFICER. Is that an amendment to the pending amendment offered by the Senator from Minnesota?

Mr. SPRAGUE. I move that that be laid on the table.

Mr. CHANDLER. Let the amendment be reported. I could not hear the Senator from Rhode Island.

Mr. SPRAGUE. I move to lay the amendment of the Senator from Minnesota on the table.

Mr. WINDOM. I hope the Senator from Rhode Island will allow me to answer the Senator from Michigan.

The PRESIDING OFFICER. The Senator moves that the amendment be laid on the table. The Chair is informed the effect of that motion on this bill will be to carry the bill with it. The question is on the motion, which is not debatable, to lay the amendment on the table.

The motion was not agreed to.

Mr. WINDOM. The Senator from Michigan says that his committee were unanimous in opposing this amendment. If the Senator ventured in the quiet of the committee-room to make such statements as he has made before the Senate to-night and the committee did not take the trouble to investigate them, I do not wonder that the committee were unanimous on that subject, for I assert here just as strongly as the Senator from Michigan has made his assertions, that he is wholly mistaken, and that there is scarcely a word that is true in a single sentence he uttered on the subject.

Mr. CHANDLER. Allow me to ask the Senator whether a dollar was ever expended on the Falls of Saint Anthony for the purpose of navigation?

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. WEST. I move that the Senator have leave to proceed.

Mr. SPRAGUE. I object.

The motion was agreed to.

Mr. WINDOM. I do not desire to proceed more than a moment or two. I simply wish to answer the question of the Senator from Michigan. I say, yes. I say there have been vessels running there for many years. They were suspended for a short time on account of the fact that the railroads were built and the river was not improved above; but recently, within the last year or two, on account of the high prices prevailing upon the railroads, the vessels have again been put upon that river, and are now carrying wheat and corn in large quantities from that section. While it is true that there is an interest there, which is a very large interest, too, that is anxious to have the water-power maintained, it is also a continuation of the navigation of that river for five or six hundred miles.

Another thing is very remarkable, that this should be one of the two things which the department of this Government having this subject in charge say are indispensably necessary to be done. I have known for some time that the Senator from Michigan was determined that nothing should be done here. He has from the very start set his face against this improvement, and determined whatever may be the consequences to the navigation of that country that by every means in his power this thing shall not be done; and I see that determination is sought to be carried out here to-night. Not only have this department when asked to revise their estimates refused to reduce them in this case, but they sent a board of five engineers to make an examination this winter, and when that special board made their examination, they came back and reported the same recommendations that are made here to-night by the report of the Engineer Department to which I have referred.

Now, sir, I say this appropriation is of the utmost importance to five hundred miles of navigation that can be made above the falls at very little expense; and I do not believe that when the Senate have staid here to-night and appropriated \$30,000,000 under the other bill that we have just passed without question, they are going to permit this great improvement to remain unfinished and this great peril to the

interests of that northern country to be suffered. I ask for a vote on my amendment.

Mr. BUCKINGHAM. I have no doubt of the importance of improving the navigation of the Mississippi above the Falls of Saint Anthony; that there is a long distance there which if improved will promote the interests of commerce; but whenever you bring the products of that country lying above those falls down to that point, before they can take the river below, they must be reshipped, and if reshipped there must be a cartage of a certain distance; it may be one mile and it may be two. It is impossible for this Government to do anything to prevent that transshipment of merchandise. The same thing must take place with anything that is going up the river.

Now the question is, what is the duty of the Government with reference to the preservation of the falls? There is no such thing as preventing a transshipment of the merchandise; but if the Government will spend its hundreds of thousands and preserve the falls, the distance of cartage will be shorter than if the falls are broken away and there become a few miles of rapids. The interest of commerce and the interest of transportation simply depend upon whether you shall do that cartage one or two miles, as you do it now, or shall be obliged to do it five or ten if the falls go away. That is all the difference as far as I understand it, and it is a question whether the Government will appropriate money to provide transportation by teams instead of by water, two or ten miles, more or less.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Minnesota, [Mr. WINDOM.]

Mr. CHANDLER. I hope the appropriation will not be increased. The question being put, there were on a division—yeas 31, noes 10.

Mr. HAMILTON, of Maryland. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Boggs, Boreman, Carpenter, Conover, Cragin, Davis, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamlin, Hitchcock, Ingalls, Johnston, Kelly, Mitchell, Morrill of Vermont, Norwood, Oglesby, Patterson, Pease, Ramsey, Ransom, Schurz, Tipton, Wadleigh, West, and Windom—30.

NAYS—Messrs. Alcorn, Bayard, Boutwell, Buckingham, Chandler, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, McCreery, Pratt, Saulsbury, Scott, Sherman, Spencer, Sprague, Stevenson, Thurman, and Washburn—21.

ABSENT—Messrs. Brownlow, Cameron, Clayton, Conkling, Cooper, Dorsey, Ferry of Connecticut, Ferry of Michigan, Gilbert, Harvey, Howe, Jones, Lewis, Logan, Merrimon, Morrill of Maine, Morton, Robertson, Sargent, Stewart, Stockton, and Wright—22.

So the amendment was agreed to.

Mr. WINDOM. As a portion of the same amendment I move to insert after the word "dollars," on line 126, page 6, the words, "and \$25,000 of said amount shall be expended for the improvement of the Mississippi River above the Falls of Saint Anthony."

This amendment does not increase the appropriation, but simply divides it.

Mr. THURMAN. Let us understand that. Is that \$25,000 of the \$200,000?

Mr. WINDOM. Yes, sir.

Mr. THURMAN. That leaves \$175,000 to be expended on the falls?

Mr. WINDOM. Yes, sir; \$25,000 less than the estimates.

Mr. THURMAN. Well, Mr. President, I think this amendment discloses the whole secret of this business. If there was any doubt before about it there cannot be now. Here was an amendment proposed to increase the appropriation for the Falls of Saint Anthony \$150,000, and one might suppose that a large portion of that was to improve the navigation of the Mississippi above those falls, which might be a very reasonable thing. Now it turns out only \$25,000 is to be appropriated for that purpose and \$175,000 for the protection of the mill-owners at the falls. That is the whole of it.

Mr. WINDOM. I stated in the discussion on the other amendment that the \$200,000 was for the improvement of the falls, but it is necessary in order to perfect the navigation through the eighty miles I spoke of to have a few loose rocks removed, and we are willing to give a portion of the estimates for the falls in order to do that work. This does not increase the appropriation already made. I will not occupy any further time upon it.

The amendment was agreed to.

Mr. WINDOM. I now offer an amendment to come in at the end of line 318. It is for the surveys which the Senate directed by a resolution passed the other day:

For surveys and estimates for the improvements recommended by the Senate Select Committee on Transportation Routes to the Sea-board, upon the four routes indicated in the report of said committee, and also upon a route from the mouth of the Youghiogheny River, to continue the slack-water navigation up said river to its head-waters at the foot of the Alleghany Mountains, thence by Canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, \$200,000, to be expended under the direction of the Secretary of War in such manner as in his judgment will secure the greatest amount of exact information for each of said routes.

Mr. EDMUNDS. I should like the Senator to state where these four routes are precisely, so that we can see what sections of the country they traverse.

Mr. WINDOM. They are the four routes recommended by the Committee on Transportation. One is the Mississippi route from the head to the mouth. The other is known as the northern lake route; the other the central route on the Ohio River, connecting with the Atlantic near Richmond; and the other is a route including the improvement of the Tennessee and its connections with the Atlantic Ocean. I have

a map before me which will explain them to the Senator better than I can. They were fully explained in the report of the committee, and in the discussion the other day. The Committee on Appropriations report this amendment under the instruction of the Senate.

Mr. BOREMAN. I ask the Senator from Minnesota if these are not the routes described in the resolution we passed the other day?

Mr. WINDOM. They are the same.

Mr. BOREMAN. We instructed the committee to do this thing?

Mr. WINDOM. Yes, sir.

Mr. DAVIS. I want to say a word on this amendment. As I understand, this is the amount recommended in the resolution which was discussed for several days in the Senate and passed by a vote on the yeas and nays of 43 in favor of it and but 6 against it.

Mr. ROBERTSON. This is not the amount.

Mr. DAVIS. It is exactly the same amount as was then stated by the chairman of the Committee on Transportation Routes to be necessary.

Mr. HAMILTON, of Maryland. The resolution did not state the amount, as I understand; but I believe this amount was stated in the debate on that resolution.

Mr. DAVIS. It was stated several times.

Mr. ROBERTSON. I have no objection to the surveys being made, but I do object to the large amount appropriated in this amendment. I move to strike out "\$200,000" and insert "\$50,000."

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from Minnesota.

Mr. ROBERTSON. I call for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. ALCORN. I will ask whether the amendment contains a provision that only so much shall be used as may be necessary for the purpose? I suppose it does.

Mr. WINDOM. I believe it does not contain that. I have no objection to making it so, however.

Mr. SHERMAN. That follows in all appropriations.

Mr. ALCORN. If that amendment should be made I think it would be better.

Mr. WINDOM. I will modify it in that way with the consent of the Senate.

Mr. SHERMAN. That would be an unusual form. That follows necessarily. When an amount is appropriated, that is the maximum.

Mr. WINDOM. I have no objection to that modification.

Mr. ALCORN. I do not insist upon it.

Mr. HAMILTON, of Maryland. I do not think that makes any difference. They will expend the whole of it.

The question being taken by yeas and nays, resulted—yeas 39, nays 12; as follows:

YEAS—Messrs. Alcorn, Allison, Boggs, Boreman, Boutwell, Buckingham, Carpenter, Clayton, Conover, Davis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamlin, Harvey, Johnston, Kelly, Mitchell, Morrill of Vermont, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Spencer, Stevenson, Stewart, West, and Windom—39.

NAYS—Messrs. Bayard, Cooper, Dennis, Hamilton of Maryland, Hamilton of Texas, McCree, Merrimon, Robertson, Saulsbury, Sprague, Wadleigh, and Washburn—12.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Chandler, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hitchcock, Howe, Ingalls, Jones, Lewis, Logan, Morrill of Maine, Morton, Ransom, Stockton, Thurman, Tipton, and Wright—22.

So the amendment was agreed to.

Mr. ALCORN. I am instructed by the Select Committee on the Levees of the Mississippi River to offer the amendment I send to the desk, which has been referred to the Committee on Commerce.

The Secretary read the amendment, as follows:

For the protection of the delta of the Mississippi from inundation by flood, to be expended under the direction of the Secretary of War, in rebuilding, repairing, and constructing levees on or near the bank of the Mississippi River, \$2,000,000; one-half of which sum shall be appropriated within the State of Louisiana, the other half to be appropriated, one-half within the State of Mississippi, the remainder within the State of Arkansas.

Mr. ALCORN. Mr. President, the demand for the time of the Senate will not allow me, if there was no rule requiring me to confine my remarks to five minutes, to present as fully as the case requires the importance of this subject. The levees of the Mississippi River were destroyed by the armies during the period of the revolution. Up to that time the country had gone forward in the construction of levees on the Mississippi River, and had spent about \$20,000,000 or perhaps more. When the war closed full \$10,000,000 of that work had been destroyed. Since that time the people of the States on the river have gone forward in the vain effort to attempt to rebuild the levees without any aid from the Government of the United States. Their attempt has been in vain. The recent floods have shown clearly to them and to the whole country that they are not able to accomplish the work; that it is a work impossible of accomplishment upon their part.

If the Congress of the United States can appropriate \$200,000 for the purpose of protecting or improving the Falls of Saint Anthony, it occurs to me that it can give \$2,000,000 for the purpose of recovering seven hundred miles of waste land upon the Mississippi River that have been recently inundated upon both sides of that stream by the floods upon the Mississippi.

This is a question that attaches to the whole country. It is one in which every man in this nation is interested. Every man who wears a cotton shirt in the United States is interested in this question. Besides the cotton that is produced behind these levees, it is necessary to the interest of the Government of the United States in its commerce. The Secretary of the Treasury in 1869 reported to Congress, when speaking upon the subject of cotton:

The great staples of the South have for many years constituted a large portion of our exports. But for the cotton held in that section at the close of the rebellion the foreign exchanges would have been so largely against the United States that a commercial convulsion would have been imminent if not unavoidable. Even in the deplorable condition of those States, last year more than two-thirds of our exports consisted of their productions; and it is the crop of the present year, small though it may be, that is to save us from ruinous indebtedness to Europe.

By reason of the destruction of the levees the falling off of the cotton crop will be this year, I apprehend, fully two hundred thousand bales. We have made an appropriation in the sundry civil bill of \$500,000 to feed the people who have been rendered homeless, whose homes have been overflown by the recent floods of the Mississippi River. Should this amendment that I have offered to the river and harbor bill be adopted, I trust that that amendment which was introduced into the sundry civil appropriation bill will be stricken out, and that the two millions appropriated by this amendment will be applied in such a way as to supply the people who are now starving, as it is reported here, with work, so as to employ them in the protection of their own homes, and thus furnish sufficient for their maintenance during the year.

Five hundred thousand dollars have been appropriated to feed them during this season. What is the condition in which the coming flood will find these people? Unable to reconstruct their levees, the floods of 1875 will have them at their mercy. They can raise no crops this year; they can certainly raise none the coming year unless the levees are reconstructed. They present to you here the fact that they are unable to accomplish this task themselves. A memorial which was presented by me from the levee board in Mississippi presents the fact to the country that they are now—

The PRESIDENT *pro tempore*. The Senator has spoken five minutes.

Mr. ALCORN. I ask to close this sentence and I will say no more. They present the fact that the property there pays an annual tax of 10 per cent. on its assessed value, and they state that it is valued at one-third more than its worth. The people have done this to provide levees and protect the land. We ask the Government now to come and assist us in this great work.

Mr. CHANDLER. Mr. President, the Government has from time to time granted 21,000,000 acres of land, which are said to be the very best lands of the delta, for this purpose. The law relative to the condition as to reclamation on which the grant is made reads as follows:

*Provided, however,* That the proceeds of said lands, whether from sale or by direct appropriation of any kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

To the State of Arkansas the grant was 6,805,000 acres; to Mississippi, 2,681,000; to Louisiana, 8,421,000; to Alabama, 392,000; to Missouri, 3,177,000 acres. These lands, I am told, when the levees are in perfect order, will be worth \$100 an acre, which would be \$21,000,000. Now, I should like to know what disposition has been made of these lands, and whether it is proposed, after the Government has built the levees, to return the lands to the United States; for it would be an immense speculation if we could get back the lands which we have actually given to build these levees. I suppose the intention is to return these lands to the United States. Is it so?

Mr. ALCORN. I will reply, with the permission of the Senate, that a bill which I had the honor to introduce in the Senate some time since proposed that the lands which belonged to the States of Arkansas, Mississippi, and Louisiana, and which were received from the Government of the United States, should be returned. Some of those lands have been passed into the hands of individuals, and as a matter of course they cannot be returned if held by individuals now. But I will state to the Senate a fact. The memorial to which I referred a moment ago sets forth that in the levee district in Mississippi there are thirteen hundred thousand acres of land. The fact is stated and correctly, I undertake to say, that only four hundred thousand acres of that land to-day pays taxes, that the balance has reverted to the State, and that no taxes have been paid upon it since the war. I venture to say to-day that of the lands which were donated by the Government of the United States to the State of Mississippi—and I speak of what I know; I am not so well acquainted with Arkansas and Louisiana—not 10 per cent. to-day is held and claimed by individuals. The bulk of it has reverted to the State.

Mr. President, may I be permitted here to present the fact as to the district of country on the Mississippi—and I speak now of the State of Mississippi alone; others are better able to speak of Arkansas and Louisiana—that in 1840, before the levees were built, before the grant was made, the country along the Mississippi, the delta on the Mississippi side, produced 39,000 bales of cotton; in 1850, ten years after, and before the grant, there were 42,000 bales of cotton raised, an increase of only 3,000 bales in ten years. The grant was made in 1850. In 1860 the cotton produced in that district amounted to 156,000 bales. Now, with the levees swept away, with the levees destroyed, the country returns to its original condition; it becomes a swamp again.



More than that, instead of producing, as that country did produce in 1861 after this report had been made, 210,000 bales of cotton, I venture to predict that this year it will not produce 50,000 bales of cotton.

If this appropriation be made, the recovery of those plantations which produced two hundred thousand bales will be a fixed fact, and instead of fifty thousand bales as that country will produce this year—I speak of the Mississippi side alone—it will be able next year to produce at least two hundred thousand bales of cotton. Here is a difference, then, in the cash account to the Government of the United States in her exports that exceeds far in value the appropriation that is asked here to-day. I present this question not merely in behalf of the people there; I would put it upon no such ground as that; I would ask it as a measure of national importance, holding as I do that the cotton of this country is necessary to preserve the credit account of the Government of the United States.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. EDMUNDS. Mr. President, it appears to me from a somewhat careful consideration of this subject, that the United States has no constitutional power to enter into any scheme for improving the lands or preserving the territory of a State from overflow or any other calamity. We may give money for charity, as we often have done, although that used to be questioned, but I do not open that question now. But when the United States undertakes to provide for protecting the lands within the sovereignty and jurisdiction of a given State from being overflowed, or from malaria, or from any other thing which relates to the advantageous cultivation of those lands, or to the health of the inhabitants, or to whatever it may relate, it is plain to me that we transcend the limits of our constitutional power and invade the province of the State. I feel quite sure that if this were a proposition for the advantage of the public alone and which a particular State had objection to and chose to take care of itself, everybody almost would agree that we could not undertake to provide for clearing up the swamps of the various States without their consent. The Constitution, supposing these States would consent, does not confer on us the power to tax the people, in my opinion, for the purpose of improving the swamps or drying them up, or doing any other thing which relates to the advantage of the territory of the State in which these lands lie. I think we have no such power; I think it would be dangerous to undertake to exercise it; and upon that point of view alone, without going into any other consideration now, I shall feel obliged to vote against this amendment.

Mr. WEST. Mr. President, I feel reluctant to detain the Senate at this hour of the night; and I also feel quite confident that this subject cannot be discussed appropriately in the brief time that is left under the rules of the Senate; but I shall ask the Senate to recur to the circumstance that in the special session of the Senate commencing with the Forty-third Congress a resolution was passed instructing the Committee on Levees to sit during the recess and to investigate this subject, and to devise a plan to be submitted at the present session, embracing perhaps the constitutional powers of the Government as well as the scientific principles that it might be necessary to apply to redeem those lands. Unfortunately the Southwest was scourged during the past season with a terrible epidemic, and most of the members of the committee did not think it prudent to assemble to carry out the work that was assigned to them. Some of us were there, but not in sufficient number to act as a committee, and our labors did not amount to anything. In the mean time this terrific calamity, this overflow beyond and without a precedent in the history of this country, has devastated an immense area in that region, and the impoverished people of that section have appealed to Congress for relief. Their appeal has been met in a most generous spirit. Congress has to-night completed an appropriation of \$500,000, making \$690,000 in all given to save those people from absolute famine.

Now, sir, we have truly no specific plan to submit to Congress. We are asked, have we a system that will justify the Government in embarking upon this work? We say no, because in our effort to obtain that system or to study it and present it intelligibly to Congress, we were frustrated by the incident I have mentioned; but having been overtaken by this calamity, with all the barriers against flood broken down, we appeal to Congress now to come to our relief, giving them the assurance that unless they do, the same distress will occur in that region the coming season and probably we shall be compelled unfortunately, and very regretfully you can be assured, once more to appeal to you for relief.

The distribution of this money will not only do what the Senator from Mississippi has pointed out, but it will give labor, it will give bread, it will give occupation to numbers of people there that are desiring to be employed. It will repair the crevasses that have been caused by this flood; it will save the land from overflow again, which will most inevitably occur in the coming season of high water next spring; and although it may not be within the province of Congress, as the Senator from Vermont says, to protect any man's lands from overflow and destruction, yet I am convinced that were this appropriation made the States that are named in the amendment would gladly return any amount of land that now lies utterly useless as a consequence of this overflow.

Mr. EDMUNDS. That would not relieve the constitutional question.

Mr. WEST. It might, because it would be a compensation back

again for its outlay. The Government might spend the money and be reimbursed for it, and I do not think the constitutional objection will come in there. However, I will leave that to my friend; he understands it better than I do.

The Senator from Michigan asks what we have done with the land that has been appropriated to us. Mr. President, long before that land was assigned to those States for the purpose named, all the available land on the banks of the river had been taken up, and levees were constructed there by private enterprise and by local authorities to protect those lands; but in the mean time these various crevasses came, and the back water and the high water overflowed our swamp lands, and our swamp lands to-day in the State of Louisiana sell for only twenty-five cents an acre. It is impossible for us to realize anything out of that fund to create such a system of protection as will enable us to realize the actual value of these lands. We are obliged to sell them just as they are. Now, could the United States come in and make this appropriation, undoubtedly the value of those lands would be enhanced very much, and I know that the State of Louisiana would gladly turn over again all the benefit that she has derived from them and all the lands that she has remaining.

The PRESIDENT *pro tempore*. The Senator's time has expired. The question is on the amendment of the Senator from Mississippi.

The amendment was rejected.

Mr. DAVIS. On page 8, line 176, I move to strike out "25" and insert "50;" so as to read:

For continuing the improvement of the Great Kanawha River, West Virginia, \$50,000.

I will say that the estimate of the Department was \$150,000. Twenty-five thousand dollars is all the bill gives.

Mr. CHANDLER. The revised estimates are \$25,000. I will make the point of order that no such amendment was submitted to the Committee on Commerce. We have given precisely the amount of the revised estimates, \$25,000. I make the point of order.

The PRESIDENT *pro tempore*. Is the amendment in pursuance of the estimate of the department?

Mr. DAVIS. Certainly it is.

Mr. CHANDLER. The last revised estimates are filled in the bill.

Mr. DAVIS. It is in pursuance of an estimate and recommended.

The PRESIDENT *pro tempore*. If it is in pursuance of an estimate of one of the heads of the Departments, it is within the rule.

Mr. FERRY, of Michigan. I call the attention of the Chair to the latter paragraph of the rule. I do it not so much in this instance as to cover other cases. If this is ruled in I shall be governed accordingly. My understanding has been that the clause "new items of appropriation" applies to an increase of appropriation, and I think that has been the practice of the Senate. The rule reads:

All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall, one day before they are offered, be referred to the Committee on Appropriations.

If my memory serves me aright, the practice of the Senate has been that any increase of appropriation that has been reported by any committee is considered under this technical language as a new item of appropriation. If that be the case, this amendment is without the rule.

Mr. DAVIS. We have already increased two or three items.

Mr. FERRY, of Michigan. I will state that I had it in contemplation to move to raise an appropriation, but on reading the rule and recollecting the fact that it had been ruled several times as I have stated, I desisted from offering the amendment. I think the case of my friend from West Virginia comes within that scope.

Mr. DAVIS. I wish my friend had raised the point on his own amendment and not on mine.

Mr. EDMUNDS. This is a matter of considerable importance as a question of practice. I feel pretty safe in saying that on this bill any Senator who is fortified by an estimate from a head of a Department, which stands for this purpose exactly like providing to carry out the provisions of an existing law in another branch of the rule, is in order. These committees are entitled to report amendments which are not in pursuance of the estimates of heads of Departments, and those being reported from committees and thus having a responsible origin must be referred to the Committee on Appropriations to be considered. When you come to an offer which is to carry out an estimate of a head of Department, it stands on an appropriation bill exactly like the other head of carrying out a law; and any Senator has a right to move it and take the judgment of the Senate upon it, because there is no surprise to anybody. These rules are intended to prevent surprise.

Mr. FERRY, of Michigan. I would add that while the former branch of the rule specifies the manner in which the amendment shall be recommended, yet the latter clause is a general expression, and covers all that comes under the former, for the language is general—

All amendments to general appropriation bills reported from committees of the Senate proposing new items of appropriation.

The question turns upon the words "new items." I think I am correct in stating that there are several cases where it has been ruled in the Senate that any increase of appropriations comes within this clause as a "new item."

Mr. EDMUNDS. No doubt; but "reported from committees of the Senate" is the description there.

The PRESIDENT *pro tempore*. The Chair is of opinion that under the practice of the Senate this comes within the phrase "a new item;" that is, an amendment so far as it proposes an increase of appropriation would fall within that clause as a new item. But the former part of the rule is:

No amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law—

That is one case—

or some act or resolution previously passed by the Senate during that session—

That is another case—

or moved by direction of a standing or select committee of the Senate—

That is another case—

or in pursuance of an estimate from a head of some of the Departments.

That is another substantive head of jurisdiction.

Mr. FERRY, of Michigan. Now, following that—pardon me for calling the Chair's attention to it—is what? Remember the general term applying throughout the rule, "all amendments to general appropriation bills." And then after what the Chair has read is this as an additional requisite—

All amendments to general appropriation bills reported from the committees of the Senate—

And this is from a standing committee—proposing new items of appropriation.

This is a new item of appropriation reported by a committee; but in the latter clause has been added recently "and in like manner notice of amendments to bills making appropriations for rivers and harbors," so as to include the very bill that has been reported by the Committee on Commerce within the purview of this latter paragraph to which the general clause "all amendments" applies there shall be one day's notice given.

The PRESIDENT *pro tempore*. The Chair understands that the Senator moving the amendment rests it on the ground that it is to fill an estimate from the head of a Department. If that be so, it certainly could not hurt it that it had also been recommended by a committee. It would stand on either head. The Chair understands the amendment has been referred to the Committee on Commerce.

Mr. FRELINGHUYSEN. In that connection, on this point of order, I would say that I offered an amendment some time ago, when the Senator from Vermont [Mr. EDMUNDS] was in the chair, and he ruled it out of order very properly, I not stating that there had been an estimate from the head of the Department, which is the fact, as there is no doubt in reference to it. Therefore I should like to renew that amendment.

The PRESIDENT *pro tempore*. The question is now on the amendment of the Senator from West Virginia.

Mr. FERRY, of Michigan. May we understand then, from this ruling, that if an amendment comes with the recommendation of the head of a Department or is recommended by a standing committee, there is no necessity of giving one day's notice of the amendment?

The PRESIDENT *pro tempore*. That is another question. All amendments to appropriation bills, no matter which class they fall into, whether they are made to carry out the provisions of an existing law, or some resolution of the Senate passed at the present session, or moved by direction of a standing committee, must be referred to the Committee on Appropriations one day before they are offered in the Senate.

Mr. FERRY, of Michigan. I understand that has not been done in this case. No such notice has been given.

Mr. EDMUNDS. The rule does not require that.

The PRESIDENT *pro tempore*. The Chair is mistaken; the Senator from Vermont is right; this clause does not read as the Chair supposed, "All amendments to general appropriation bills reported from committees of the Senate proposing new items of appropriations shall one day," &c. If the amendment be offered to fill an estimate made by the head of a Department, the Chair does not see that it is necessary to refer it to the committee.

Mr. EDMUNDS. Not at all. The rule was intended, as respects the reports of committees, where a committee reports a new amendment which is not to carry out the provisions of existing law, or an estimate, or a resolution of the Senate, such an amendment although it does come from a committee shall then go to the committee having charge of the bill.

The PRESIDENT *pro tempore*. The report of the committee stands in the same relation to the Senate under this rule as the estimate of a Department does.

Mr. EDMUNDS. Precisely the same.

The PRESIDENT *pro tempore*. So the Chair thinks.

Mr. SCOTT. There is another question; I do not wish to make it as bearing on this appropriation but on the general question, and that is this: It is stated here that there were original estimates which named larger amounts than the revised estimates. The original estimates have been revised; and when as in this case the original estimate of \$150,000 is cut down to \$25,000, can it be said that an appropriation made here exceeding the revised estimate is in pursuance of the estimate?

Mr. EDMUNDS. Certainly not; nobody would contend for that.

Mr. SCOTT. I understand this case is one of that character.

Mr. EDMUNDS. That we do not know yet. We have to see what the estimate is yet.

Mr. DAVIS. The estimate originally was \$150,000, and the revised estimate is \$25,000.

The PRESIDENT *pro tempore*. That is the amount in the bill.

Mr. EDMUNDS. What is the motion?

The PRESIDENT *pro tempore*. The motion is to increase it \$50,000.

Mr. EDMUNDS. That is above the revised estimate. Then it is not in order, because it is not pursuant to the last estimate.

Mr. CHANDLER. The head of the Department has recommended the revised estimates and no more; and any attempt to raise above the revised estimates is not recommended by the Department.

The PRESIDENT *pro tempore*. The Chair understands the Senator from West Virginia to concede the fact to be as stated by the Senator from Michigan.

Mr. DAVIS. Certainly.

Mr. SARGENT. I ask the Senator from Michigan if the committee in making up the bill followed the revised estimates?

Mr. CHANDLER. Pretty generally, but not always.

Mr. SARGENT. That is, in the case of Michigan, where a place was left out entirely you put that in, as for instance, "Ontonagon, \$25,000." That is left out of the revised estimates.

Mr. CHANDLER. There is a special report, which I have here, urgently requesting it. If the Senator desires, I will have it read.

Mr. SARGENT. No; I do not desire to have it read. I only say it is not in the revised estimates.

The PRESIDENT *pro tempore*. The Chair is of opinion that an amendment moved in pursuance of an estimate from the head of a Department must mean the estimate which stands in the Senate at the time the amendment is offered; and if the Department once making a larger estimate has revised it and made a smaller one, so that to-day the Department stands before the Senate recommending only \$25,000, a motion to increase it is not in order.

Mr. CHANDLER. That is the way it stands.

Mr. DAVIS. Accepting that as being the ruling of the Chair, that owing to the revised estimate being but \$25,000 my amendment is ruled out of order—

Mr. WEST. Will the Senator from West Virginia yield to me for a moment to ask the Chair in regard to the construction he has put upon a recommendation by the head of a Department? It may be very important to us in the future. As I understood the Chair to say that the estimate which should be considered here as coming from the head of a Department must be the amount which is sent in under the estimates, does that render it incompetent for the head of a Department subsequently at any time during the progress of business to make an estimate and make a recommendation?

The PRESIDENT *pro tempore*. The Chair did not state precisely what the Senator from Louisiana supposes. The Chair stated that at the time any amendment is offered under that branch of the rules its being in or out of order must depend upon what is the then existing and pending estimate of the Department, no matter what they might have estimated on a former occasion. If this morning they sent an estimate here of only \$25,000 for this purpose and this evening an amendment was offered to increase it to \$50,000 the amendment would not be in pursuance of the estimate.

Mr. DAVIS. I think the Chair is right in his ruling, and I submit of course; but there is one other matter which I wish to bring before the Senate. On page 17 there is a provision to survey the Chesapeake and Ohio Canal from its now terminus at Cumberland to the Ohio River. It having been provided for under the general resolution for surveys coming from the Committee on Transportation it is not necessary to have both clauses in, and the retention of the words here might lead to confusion. Therefore I move to strike out the clause in section 2, as it is imperfect.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The CHIEF CLERK. The words proposed to be stricken out of the second section are:

And not to exceed \$5,000 of the above appropriation may be expended in continuing the exploration of routes for the extension of the Chesapeake and Ohio Canal to the Ohio River, by the north and south branches of the Potomac River.

Mr. CHANDLER. I think that clause had better be stricken out. The amendment was agreed to.

Mr. ROBERTSON. I move the following amendment, on page 14, after line 318, to insert:

For the improvement of the harbor at Charleston, South Carolina, \$18,000.

Mr. CHANDLER. That is the amount recommended in the revised estimates. I cannot object to that.

The amendment was agreed to.

Mr. JOHNSTON. On page 10, line 214, I move to strike out "30" and insert "75," so as to make the appropriation "for continuing the improvement of the James River, \$75,000." That is in pursuance of the revised estimates. On page 36 of the revised estimates James River is set down at \$75,000. I have the revised estimates in my hand.

Mr. CHANDLER. If that is in the revised estimates it is in order, but I am afraid you are loading the bill pretty heavily.

The amendment was agreed to.

Mr. JOHNSTON. I desire to insert "Norfolk Harbor" for a survey. On page 18, after line 90 of section 2, I move to insert:

Harbor of Norfolk, Virginia.



Mr. CHANDLER. I have no objection to that.

The amendment was agreed to.

Mr. BOREMAN. I offer an amendment for a survey. I move on page 16, line 40 of section 2, to insert:

The Little Kanawha River below Bulltown.

The amendment was agreed to.

Mr. SARGENT. I offer the following amendment, after line 314 to insert:

For the improvement of Oakland Harbor according to the plans reported by the Government engineers, \$100,000.

Mr. CHANDLER. I raise the point of order on that. It is not recommended by the engineers.

Mr. SARGENT. It is recommended by the engineers, and I hold the report in my hand. I ask the Senator not to raise the point of order on this amendment. It is the only thing that is proposed on our coast, except \$25,000 thrown at us without our request. I ask the Senator not to object. He has in this bill \$540,000 for his own State, and I ask for this small sum where there are, as I said before, two and a half million passengers annually traveling over this waterfront and we have nothing but an insecure railroad wharf, where there is danger every day and every night of some fearful calamity happening, where there are sixty or seventy millions of treasure annually transported. I ask him not to raise a point of order that will rule this out.

Mr. CHANDLER. I must make the point of order. No notice was served.

Mr. SARGENT. That is a mistake; the notice was served. The amendment was referred to the Senator's committee, and it has been in his hands for ten days.

Mr. CHANDLER. Then I was mistaken about that; but I still make the point of order.

Mr. SARGENT. There is no ground for a point of order stated.

Mr. CHANDLER. It is a new item and not germane to anything in the bill.

Mr. SARGENT. Not germane! This is the river and harbor bill, and this amendment is for the improvement of a harbor.

The PRESIDING OFFICER. (Mr. WEST in the chair.) The Senator from Michigan will state his point of order.

Mr. CHANDLER. It is a new item in the bill.

The PRESIDING OFFICER. The Chair will inquire of the Senator from California whether the amendment is moved in pursuance of an estimate from the head of some Department?

Mr. SARGENT. Yes, sir; the estimate is made by the head of the Department. It is in pursuance of a survey ordered in the bill last year, which was carried out by the Government and a report regularly made and sent to Congress for its information.

The PRESIDING OFFICER. The Chair overrules the point of order made by the Senator from Michigan.

Mr. CHANDLER. I read here a short time ago that it was not recommended, but it was said "if the thing be done." It is not recommended by the head of a Department. I will ask the Senator to read the report. I had it here a short time ago.

Mr. SARGENT. It is recommended in the same way that every other item in the bill is recommended; and I say that this is the simplest justice to this great commercial want to my coast. It does not sound well for the Senator, after he fails in his point of order, to still insist on excluding this appropriation. The Senator the other day in reporting this bill boasted that the committee had not added much to it. Well, they did not add much to it. They only added \$110,000, and divided \$80,000 of that among the members of their own committee, and Michigan came in for \$25,000, nearly one-fourth of the whole amount; Alabama for \$5,000; Maryland for \$10,000; Massachusetts for \$10,000; Connecticut for \$5,000; and Georgia for \$25,000; making up \$80,000 of the \$110,000 in States represented by members on this committee. But when I ask simply for \$100,000 for a great enterprise like this, where there is so much property and so many lives at stake, I am told it must not be allowed, and a criticism is made whether the Department is more or less warm in its recommendation for it. Here is the report in which the estimate is contained, in which the whole plan of improvement is described and the matter recommended to Congress. I ask it as a matter of justice.

Mr. CHANDLER. I ask that the report be read.

Mr. SARGENT. The report is four or five pages of the book which I hold in my hand. I could not read it in my five minutes. If the Senator has anything he wants read I have no objection.

Mr. CHANDLER. It is a new item, and I raise the point of order.

Mr. SARGENT. The point of order has been overruled.

Mr. CHANDLER. This has not been recommended by the head of the Department.

Mr. SARGENT. The point of order has been decided, and I ask for a vote.

The PRESIDENT *pro tempore*. The amendment stands on a question of fact, and the Chair cannot determine whether it is in pursuance of an estimate or not without seeing the estimate or hearing it read.

Mr. THURMAN. If I understand the statement of the Senator from California, an estimate was made for this work, but the Senator from Michigan says that although an estimate was made the Engineer Department or the War Department did not recommend the appro-

priation. That I understand to be the case from the statement of the two Senators; and that brings us to the consideration of this rule. Does this rule require that there should be a recommendation of the Department? I submit that it requires no such thing. It is sufficient that an estimate is made, and then Congress may decide whether or not to make that improvement. The object is to have the estimate, so that we may see what will be the probable cost of the work if undertaken, or so that we may see what may profitably be expended in any one year. If that estimate be made, whether there is a recommendation or no recommendation on the subject, I submit that the case comes within the rule, and it is competent to offer the amendment; and therefore, if the statement made by the Senator from California be true that this work has been estimated for, I submit that that fills the requisitions of the rule and the amendment is in order. The rule says:

Or in pursuance of an estimate from the head of some of the Departments.

It does not say "in pursuance of a recommendation" at all. It is only necessary that there should be an estimate, that Congress may see whether or not it will be advisable to enter upon that work.

The PRESIDENT *pro tempore*. The construction put by the Senator from Ohio upon the rule is confined to its exact language; but the Chair thinks that the word "estimate" in this connection means "recommendation." The object of the rule must be taken into account in construing its meaning. It was intended that the Senate should be led in this manner by the recommendation of one of the Departments or by the recommendation of one of its committees. The Departments usually state estimates and make recommendations for the estimates which they send; and although the word here is "estimate" and not "estimate and recommendation," the Chair thinks that the fair meaning of the phrase in this connection is that the amendment must be in pursuance of a recommendation of the head of a Department.

Mr. SARGENT. On that point I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The question is, Shall the opinion of the Chair stand as the judgment of the Senate?

Mr. SARGENT. On that question I ask for the yeas and nays.

Mr. SCOTT. How is the question raised?

Mr. SARGENT. The previous occupant of the chair ruled the amendment in order and we were discussing it as in order; and then when the honored President retook the chair the question seems to have been raised by some means again.

The PRESIDENT *pro tempore*. I shall be very happy to retire until the question is settled; but while I am here I must rule as I think the law is.

Mr. SARGENT. Undoubtedly. But I was claiming *stare decisis*.

Mr. EDMUNDS. I shall vote for this appropriation, if it is in order, and I do not know but that it is because we have not yet heard the estimate read; it may fall within the ruling of the Chair or it may not. But I do feel bound to say for the honor of the rule that I think the judgment of the Chair is perfectly correct. We have always acted upon it, I am quite sure, hitherto that the word "estimate" in this rule has meant these estimates that are submitted to us by the Departments for appropriations which they ask or recommend to carry on the business of the Government. Then in order that the Senate should not be confined to these estimates alone it is provided that its own committees, whether the Departments choose to recommend them or not, its own organs may make the proper inquiry and make the proper recommendations. Therefore while as at present advised I sympathize with the amendment of the Senator from California and should like to vote for it, I do feel bound in the interest of the preservation of the rule for all cases to say that I do think the opinion of the Chair is perfectly correct.

The PRESIDENT *pro tempore*. That reminds the Chair that there was nothing to appeal from at the moment when the Senator from California took his appeal. The precise question here is one of fact which the present occupant of the chair has not ruled upon. A parliamentary question was put to the Chair by the Senator from Ohio. The Chair responded to that without any reference to the particular amendment under consideration; and from that opinion on a hypothetical case the Senator from California appealed, which is clearly improper. If the amendment is in pursuance of the recommendation of the head of a Department, or an estimate sent here for the purpose of being acted upon by the Senate, which is equivalent to a recommendation, then it is in order as the Chair understands. If not, it is out of order. That is a question of fact which the Chair cannot decide without being informed what the fact is.

Mr. CHANDLER. As the Senator from California has not read this, I will re-read it:

If such be the views of Congress, and if it be decided to improve the harbor of Oakland, we recommend the appropriation—

That is if Congress decided thus and so—

of the amount necessary to construct the two training walls, and dredge out a channel between them one hundred feet wide, &c.

As I said a few moments ago, this is for the benefit of a railroad which started to reach Goat Island, ran out a trestle-work bridge, and now they want the Government to spend several millions of dollars to build a harbor for that railroad.

Mr. STEWART. That is an utter mistake. My friend from Michigan has been misinformed. It is an arm of the bay extending up

into Oakland where there are twenty thousand people, and the railroad has nothing to do with it. The Senator is entirely misinformed. The people of Oakland and the commerce of the country require it.

Mr. SARGENT. I call attention to the fact that the very language the Senator reads says "if Congress shall be disposed to do so and so, we recommend this appropriation."

Mr. STEWART. It is sent in regularly, as all the others are.

Mr. SARGENT. They refer in the letter of January 24 to this matter, which I have not before me, but I know they recommend it in the same way that they do everything else for which they send in estimates. Other items sent in in exactly the same way are to be found in this bill, and the Senator knows it; and the Senator knows that if it had been sent in in this shape in reference to Michigan it would have been reported immediately.

The PRESIDENT *pro tempore*. The Chair thinks the remark of the Senator from California is a reflection on the Senator from Michigan.

Mr. SARGENT. I do not wish to reflect upon the Senator from Michigan. I simply wish to say that this bill *ex officio* represents two or three States, and only two or three States. Look at the members of the committee. The bill as reported from the committee only appropriated \$4,000,000, and of that Michigan has \$540,000, New York \$531,000, Massachusetts \$176,000. Gentlemen from these States are on the committee. Other States have no representation on the committee.

Mr. DAVIS. Michigan has \$575,000.

Mr. SARGENT. Alabama has \$100,000, Georgia \$50,000, Connecticut \$80,000, Maryland \$80,000. All the States on the committee are very well taken care of; over a fourth of the whole amount is appropriated to them. I think I am justified in saying that if this were in one of the favored States—I will not say Michigan exactly, Wisconsin it might be; for Wisconsin is very well considered in this bill—then there would not be such a nice scrutiny of it. I suppose it is new to the Presiding Officer, it must be somewhat novel to the Chair to find how this bill provides for Wisconsin:

For continuing the improvement of the Fox and Wisconsin Rivers, \$300,000.

I have heard of the Fox and Wisconsin Rivers in these bills ever since I have been in Congress. The Fox and Wisconsin River improvement has cost this Government millions and millions of money. Here is \$300,000 in this bill, and in every bill if you look back for years past you will find from three to five hundred thousand dollars for the Fox and Wisconsin Rivers, and it will be so as long as water runs or grass grows while the control of the committees of this body is not changed. Now, let me go on:

For continuing the improvements of the harbor at Green Bay, Wisconsin, \$10,000.

Will anybody say that harbor is as important as the harbor of Oakland?

Again:

For continuing the improvement of the harbor at Menomonee, Michigan and Wisconsin, \$25,000.

For continuing the improvement of the harbor of refuge at the entrance of the Sturgeon Bay Canal, \$10,000.

Sturgeon Bay Canal must be a very important place, and I suppose that canal is more sacred than it would be if it were a railroad.

Again, "Ontonagon," a deserted village, and left out of the revised estimates by the Department to show that it desires to dispense with an appropriation, is put in here at \$23,000, in the same blessed State of Wisconsin, the Lord love it! Then—

For continuing the improvement of the harbor at Two Rivers, Wisconsin, \$15,000.

For continuing the improvement of the harbor at Manitowoc, Wisconsin, \$10,000.

That is a place that is unknown to the geography; at any rate to my geography. Its history is to be found, however, in river and harbor bills, or the most important incident of it.

For continuing the improvement of Sheboygan, Wisconsin, \$10,000.

Lovely name! [Laughter.]

For continuing the improvement of the harbor at Port Washington, Wisconsin, \$10,000.

These were all recommended by the Department in just the same manner as Oakland Harbor was recommended. The anxiety of the Department for these obscure places is marvelous. All the nice discriminations raised against me were not seen by gentlemen when there was an opportunity to put these items into this bill. Let us go on:

For continuing the improvement of the harbor at Racine, Wisconsin, \$10,000.

For continuing the improvement of the harbor at Kenosha, Wisconsin, \$10,000.

States so comfortably fixed may well fear to do justice to others lest this bill be overloaded.

The PRESIDENT *pro tempore*. The Senator from California evidently misunderstood the remark of the Chair. He did not intend to advocate this bill nor stop the Senator from California in objecting to it; but the remark he made, both in manner and tone, in the opinion of the Chair, was a reflection on the motives of the Senator from Michigan.

Mr. SARGENT. Very well. I do not think what I said of him reflects on him nearly as much as the bill does. [Laughter.]

Mr. SPENCER. I presume that the Senator is aware that the bill originated in the House.

Mr. SARGENT. I am, and I know who controls the committee in the House just as well as who controls the committee in the Senate.

Mr. HAMLIN. I want to say a word—

Mr. SPENCER. The chairman of the committee of the House is a gentleman from New York.

Mr. SARGENT. Yes; and New York's share in this bill I have shown. Wisconsin helps on the committee also. But what I should like to know is whether when this survey was ordered by the Government, when it was made by Government engineers, and they report as in every other case with an estimate of the cost, I am to be ruled out of order?

Mr. EDMUNDS. What is the pending question?

Mr. BAYARD. What has become of the five-minute rule?

Mr. SPRAGUE. I should like to know as to that.

The PRESIDENT *pro tempore*. The rule is in full force, and the Chair now announces that the Senator from California has spoken his five minutes.

Mr. HAMLIN. Will the Chair be kind enough to state to me what is the precise question before the Senate?

The PRESIDENT *pro tempore*. As near as the Chair understands it, it is whether this appropriation is recommended by the department.

Mr. HAMLIN. If that be the question, then I want to say just a word or two. It is said that there are qualifying words to the recommendation in the estimates: "If Congress shall see fit to make an appropriation, then it is recommended." In my judgment these qualifying words have just no importance at all, and the appropriation stands precisely as it would stand if there were no qualifying words there. There is no distinction, there can be no distinction drawn between a naked, unqualified recommendation and one with qualifying words, because if there be an appropriation in words and terms recommended, the qualifying clause is there in our action alike in both cases. It will demand the action of the body in either case alike. The engineers recommend an appropriation, and there are no qualifying words, and it will go into the law if Congress so votes. They put the qualifying words in one case and they leave them for us in the other. You can make no distinction between the two cases; the one stands before us just like the other.

Mr. FERRY, of Michigan. If the construction given by the Senator from Maine be correct, then there are two or three harbors on Lake Michigan that have not been so regarded by the Senate.

Mr. EDMUNDS. Are not all these harbors provided for?

Mr. FERRY, of Michigan. No. I will state to the Senator from Vermont there are several cases to which the attention of the Engineer Department has been called, and in their judgment they have decided that it was not best to attempt to construct harbors at those points, and yet in like manner they have stated that if it was deemed best to construct them the estimate is so much. While stating the amount that would be necessary to construct the harbor, they at the same time give the impression that the whole judgment of the Department is that it is not feasible, it is not for the best interest of the country to do so.

I have no interest in this matter except than to be guided by the rule; we must treat one case as we do another. If this be a recommendation from the Department coming within the rule, then that qualifying word "if" has no bearing whatever upon it. If it is placed there with any point whatever, with any effect, it must be so considered. I leave it to the judgment of the Senate whether this language, stated with the qualifying "if," can be a recommendation from the Department? If that be the case, then I should like to have this bill revised, for there are some other harbors that I should like to have some appropriations provided for.

Mr. SARGENT. It is strange that any harbors have been left out if they are in Michigan. I should like to make one suggestion. It seems to me it is rather a refinement of cruelty to extend the rule by implication so as to require not only an "estimate" but a recommendation, and then when the recommendation is furnished to strain that and exclude it if it is not an unqualified recommendation.

The PRESIDENT *pro tempore*. This question seems to narrow itself down to a mere question of fact. The Chair is of the opinion that if the department have made an estimate in the sense in which that word is used in this rule, then the amendment offered by the Senator from California is in order. That is a question of fact which a court would submit to a jury; and the Chair is inclined to pursue that course here and submit it to the Senate. Senators who will receive this amendment will say "ay," those opposed will say "no."

The amendment was received, there being on a division—ayes 26, noes 13.

Mr. CHANDLER. I will state that if this \$100,000 is appropriated \$497,000 should be appropriated. The engineers recommend \$497,000.

Mr. SARGENT. I have no objection to that being done.

Mr. CHANDLER. Furthermore it means many millions of dollars; and if the Government puts its foot in it, it must complete the work for the benefit of that railroad. That railroad started for Goat Island. It got half way there and was stopped. Now they want a harbor. If the Government makes up its mind to build this harbor for the benefit of that railroad that it has donated a good many millions of dollars to, then of course the appropriation will be voted; but I hope it will not.

A good deal has been said about Michigan. Now I am not disposed to allude to California; but I will tell the Senator from California



that California has had hundreds where Michigan has had dollars out of the Treasury; and what is more, she is receiving more than two dollars to one to-day for the benefit of the commerce that Michigan is receiving. Think of the subsidies to your steamships, taking money out of the Treasury daily. I do not much like this kind of slurs at the State of Michigan coming from the State of California.

Mr. SARGENT. Now, Mr. President, let me say that anything the Government does to maintain the commerce of the country upon the Asiatic seas is for the benefit of the whole country, and nobody ever thought of putting it in for the benefit of San Francisco. It is just as much for the benefit of the Western States in getting cheaper teas; it is just as much for the benefit of the Eastern States, which send their articles of merchandise for sale in China and Japan, as it is for the people of California. It is not to count in that way.

As to any donation that was ever made to the Pacific Railroads, you yourselves hold them down to pay 5 per cent. on the net proceeds of all they receive, and also to pay full interest on the amount of money which you loaned them, and you destroy one-half the value of the favor by throwing it continually in their teeth, when they are paying you as per the contract all the amount of interest on the money you exacted and are able to pay; and they will pay it to the very last cent according to contract. It was nevertheless for the benefit of the whole country and the commerce of the whole country.

I want to say to you, sir, I want to say to the Senate, that California had a right to require that the United States should construct between it and the Eastern States, across those mountains which in all the empires of the world have been barriers across which nations have fallen in pieces, have become severed, some highway by which they could get to the capital of the country without requiring them to get here by going through foreign ports and inhospitable climes, as we were formerly bound to do; and it was a great national duty to do it even if California had never returned one single cent of the amount of the money which was invested for that purpose.

Furthermore, that great highway is the means by which your goods reach the Pacific, for which we are customers, for which we send you back our gold. It is the means by which the population that comes out from your States find homes with us. It is a national accommodation; it is not a provincial thing; it is not merely for the benefit of California, it is for the benefit of the whole country; and I do not believe the country will ever see the time when it will regret what it has done in that direction for the benefit of all parts of it. But because that was done, and done I hope from proper motives, I do not think we should be denied as many rights on this floor as any other State in the Union.

Mr. STEWART. The Senator from Michigan talks about this appropriation of \$100,000 not being of any use, and that it is intended for the special benefit of the railroads. If you will expend \$100,000 on that Oakland bar it will enable boats to run up into the arm of the sea that is there, accommodate the people, furnish opposition ferries to the railroad, give them communication independent of the railroad, and it is universally desired by everybody there that this bar should be removed. One hundred thousand dollars would make a fine beginning toward removing that bar, and I hope it will be granted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. SPRAGUE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAGER. I desire to say that I was instructed by the Legislature of the State of California to vote for this proposition, and shall vote according to instructions.

The question being taken by yeas and nays, resulted—yeas 28, nays 18; as follows:

YEAS—Messrs. Alcorn, Allison, Boggs, Boreman, Carpenter, Clayton, Cooper, Davis, Edmunds, Flanagan, Hager, Harvey, Hitchcock, Johnston, Jones, Kelly, Mitchell, Norwood, Patterson, Pease, Ransom, Sargent, Scott, Stewart, Thurman, Tipton, West, and Windom—28.

NAYS—Messrs. Bayard, Chandler, Dennis, Fenton, Ferry of Michigan, Frelinghuysen, Gordon, Hamilton of Maryland, McCreery, Merrimon, Morrill of Vermont, Pratt, Saulsbury, Spencer, Sprague, Wadleigh, Washburn, and Wright—18.

ABSENT—Messrs. Anthony, Boutwell, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Goldthwaite, Hamilton of Texas, Hamlin, Howe, Ingalls, Lewis, Logan, Morrill of Maine, Morton, Oglesby, Ramsey, Robertson, Schurz, Sherman, Stevenson, and Stockton—27.

So the amendment was agreed to.

Mr. THURMAN. I have a modest little amendment to offer to this bill. It is all I have to ask. I move to insert after line 95, on page 5, these words:

For preserving and continuing the work upon the pier at Rocky River, Ohio, \$10,000.

I do not know that there will be any objection to this amendment by the chairman. If there is I will explain it.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend the bill, which I hope will have the approval of the chairman, on the sixth page, line 120, by striking out the word "15," and inserting "25," so that it will read:

For continuing the improvement of the harbor at Burlington, Vermont, \$25,000.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection.

Mr. EDMUNDS. If the Chair will pardon me, I ought to state in justice to the Senate, although I was sure there would be no objection, that the district of Vermont carries on a commerce with Can-

ada amounting to about \$15,000,000 a year, and it collects and pays into the Treasury of customs almost \$1,000,000 every year; and this is according to the revised estimates for the improvement of the harbor.

The PRESIDENT *pro tempore*. The amendment will be agreed to if there is no objection.

Mr. FRELINGHUYSEN. I renew the amendment which I offered some time since, and which under the ruling is now in order. There was an estimate made for the improvement. To show the importance of this improvement, which is to dredge out what is known as Arthur Kill, between Staten Island and New Jersey, I cannot do it in fewer words than by reading a notice that I see in the New York Times of this evening:

The bars that now obstruct navigation have been formed during the past eight or ten years, and the channel is so narrow that many vessels have grounded while endeavoring to get through. A number of rocks can be seen at low water. The channel is a great highway for vessels from New York, Boston, Providence, Philadelphia, Wilmington, Baltimore, and Norfolk, and General Newton considers the removal of the obstructions as important to the commerce of New York as the removal of those at Hell Gate.

I trust that this amendment will be adopted.

Mr. SHERMAN. I desire to give notice that as soon as this bill is disposed of, and before adjournment to-night, I shall ask the Senate to pass the bill repealing the Sanborn contract. I give the notice now so that I may not take any one by surprise.

Mr. FRELINGHUYSEN. I must object to such notices. I have charge of a bill I desire to have action upon.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] to insert after line 278 the following:

That the sum of \$50,000 is appropriated for the opening and improving of the channel between Staten Island and New Jersey.

The amendment was agreed to.

#### INSANE CONVICTS.

The PRESIDENT *pro tempore*. Before proceeding further with the pending bill, the Chair, with the permission of the Senate, will lay before the Senate certain messages from the House of Representatives asking for committees of conference.

The Senate proceeded to consider the action of the House of Representatives on its amendment to the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

On motion of Mr. FRELINGHUYSEN, it was

*Resolved*, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

#### PORT OF DELIVERY AT MONTGOMERY.

The Senate proceeded to consider the action of the House of Representatives on its amendment to the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

Mr. SPENCER. After consultation with the Committee on Commerce I move that the Senate recede from its amendment.

The motion was agreed to.

#### ENROLLMENT OF A BILL.

Mr. SCOTT. There is a concurrent resolution on the table to correct an omission in a bill which has passed the Senate. I will ask consent to have it acted upon now.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives, (the Senate concurring,)* That the Clerk of the House be authorized in enrolling the seventh Senate amendment to the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, to insert the words "seven thousand five hundred and forty-five dollars," being the sum awarded to the party named in said amendment, said sum having been omitted from the Senate amendment as engrossed and sent to the House of Representatives.

#### EXTRA COMPENSATION TO PAGES.

Mr. CLAYTON. I have a little resolution for the benefit of the pages, which I should like to ask the Senate to consider.

The PRESIDENT *pro tempore*. It will be reported if there be no objection.

The resolution was read, as follows:

*Resolved*, That the usual per diem compensation be paid to the pages of the Senate to the 15th of July, 1874.

Mr. EDMUNDS. That is not right. It should be the 1st of July. Mr. CLAYTON. Well, put it the 1st of July.

The PRESIDENT *pro tempore*. The resolution will be amended to read the 1st of July, and considered as agreed to, if there be no objection.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. BOREMAN, it was

*Ordered*, That Charles H. Day have leave to withdraw from the files of the Senate his petition and papers.

## RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. MITCHELL. I offer the following amendment: After line 5 of section 2, on page 14, to insert "for the purpose of ascertaining the practicability and cost of constructing canals and locks at such points." I will state that it asks no money whatever. It simply is intended to designate in regard to a particular survey.

Mr. EDMUNDS. How will that read in connection?

Mr. MITCHELL. Read the section as amended.

The Chief Clerk read as follows:

Sec. 2. That the Secretary of War is hereby directed to cause examinations or surveys, or both, to be made at the following points, namely: Cascades and Dalles of the Columbia River, Oregon, and Washington Territory, for the purpose of ascertaining the practicability and cost of constructing canals and locks at such points.

Mr. MITCHELL. This simply designates what the survey is for.

The amendment was agreed to.

Mr. MITCHELL. I have another amendment. On page 14, after line 6 of section 2, I move to insert:

Yam Hill River, Oregon, for removing rocks and sand-bars.

Mr. SPRAGUE. I inquire if that has been estimated for?

Mr. MITCHELL. It is simply providing for a survey. It does not appropriate anything.

The amendment was agreed to.

Mr. FERRY, of Michigan. I have an amendment to offer. On page 14, line 318, I move to increase the appropriation for continuing the improvement of Saginaw River from \$15,000 to \$50,000. I did not intend to offer this amendment, because I supposed the ruling of the Chair was to be against it; but under the revised ruling I am induced to offer it. I will state in connection with it that the committee have cut down the appropriation for Saginaw River to \$15,000 when the report of the Engineer Department is \$56,000. I ask that it be made \$50,000; and I will state this fact, without taking up time, the commerce on the river is \$22,000,000 annually. That was the amount last year.

Mr. DAVIS. Where is that?

Mr. FERRY, of Michigan. In Michigan.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the yeas appeared to prevail.

Mr. FERRY, of Michigan. I ask for a division. This is the only amendment I have asked in the bill, and I want to see if there is to be fish of one and fowl of another.

The question being put, on a division the yeas were 19 and the nays 19.

Mr. SPRAGUE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 20; as follows:

YEAS—Messrs. Boreman, Carpenter, Chandler, Clayton, Davis, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Ingalls, Mitchell, Morrill of Vermont, Patterson, Pease, Pratt, Ramsey, Spencer, Tipton, West, and Windom—20.

NAYS—Messrs. Bayard, Boggy, Cooper, Edmunds, Goldthwaite, Gordon, Hamilton of Maryland, Kelly, McCreery, Merrimon, Robertson, Sargent, Saulsbury, Scott, Sherman, Sprague, Stewart, Thurman, Wadleigh, and Washburn—20.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boutwell, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Davis, Dennis, Dorsey, Ferry of Connecticut, Gilbert, Hager, Hamilton of Texas, Hamlin, Hitchcock, Howe, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morton, Norwood, Oglesby, Ransom, Schurz, Stevenson, Stockton, and Wright—33.

So the amendment was rejected.

Mr. PRATT. I propose to amend the pending bill on page 7, line 159, by striking out "\$25,000" and inserting "\$50,000," so that the clause will read as follows:

For continuing the improvement of the Wabash River, \$50,000.

The original estimate of the department for the improvement of that stream, which is the largest tributary of the Ohio River coming from the north, was \$300,000, if I remember aright. It was not far from that figure. Last year \$50,000 was appropriated. I strove very hard to increase it at that time to \$100,000. This year the original estimate of the department was \$150,000 for continuing this improvement. The revised estimate is \$50,000. The committee have cut it down to \$25,000. The amendment that I propose is that the revised estimate shall be substituted for the recommendation of the committee.

I will only add that when this improvement, costing less than the third of a million of dollars, is completed, a river three hundred and fifty miles in length from La Fayette to the Ohio River is made navigable for one-half the year. I hope the Senate will concur with me in this amendment and vote for it.

Mr. CHANDLER. I hope the amendment will not be adopted.

The question being put on the amendment, it was declared that the yeas appeared to prevail.

Mr. PRATT. I will ask for the yeas and nays. ["O, no!"] This is the only thing that I have asked. It is the only appropriation made for the rivers of Indiana, and it is a small boon that I ask when it is considered that last year there was \$50,000 given, and the revised estimates this year are for \$50,000. The original estimate this year was for \$150,000.

Mr. MITCHELL. What have the committee given you?

Mr. PRATT. Twenty-five thousand dollars. I am in earnest about this. I do not often make requests of this sort, and I am in earnest when I make them.

Several SENATORS. Take a division.

Mr. PRATT. Very well; I will ask for a division first.

The question being put, on a division the yeas were 21 and the nays 12; no quorum voting.

Mr. SPENCER. Let us have another division. There is a quorum present.

Mr. FLANAGAN, (at one o'clock and thirty-four minutes a. m. Sunday, June 21.) I move the Senate adjourn, if there is no quorum. ["No!" "No!"]

Mr. DENNIS. Mr. President—

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) Debate is not in order. The question is on the motion of the Senator from Texas that the Senate do now adjourn.

The motion was not agreed to.

Mr. WEST. I desire to offer an amendment.

The PRESIDING OFFICER. No amendment is in order until there is a quorum present.

Mr. HAMILTON, of Maryland. Let us have another vote.

Mr. WEST. I move a call of the Senate.

Mr. HAMILTON, of Maryland. That is not necessary. There is manifestly a quorum here.

Mr. STEWART. Call the yeas and nays on the amendment of the Senator from Indiana. That will show a quorum present.

The PRESIDING OFFICER. Senators will be kind enough to observe order. The Senator from Louisiana moves a call of the Senate. The question is, Will the Senate agree to the motion of the Senator from Louisiana?

The motion was not agreed to.

Mr. STEWART. I call for the yeas and nays.

Mr. BAYARD. A division will do.

The PRESIDING OFFICER. What is the motion of the Senator from Nevada?

Mr. STEWART. I call for the yeas and nays on the pending amendment offered by the Senator from Indiana, [Mr. PRATT,] so as to get a quorum.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 24; as follows:

YEAS—Messrs. Boggy, Clayton, Cooper, Fenton, Ferry of Michigan, Flanagan, Hager, Harvey, Ingalls, Mitchell, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Schurz, Scott, Tipton, West, and Windom—21.

NAYS—Messrs. Bayard, Boreman, Carpenter, Chandler, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Maryland, Jones, Kelly, McCreery, Merrimon, Morrill of Vermont, Robertson, Sargent, Saulsbury, Sherman, Spencer, Stevenson, Stewart, Thurman, Wadleigh, and Washburn—24.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boutwell, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Davis, Dennis, Dorsey, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hamlin, Hitchcock, Howe, Johnston, Lewis, Logan, Morrill of Maine, Morton, Norwood, Sprague, Stockton, and Wright—28.

So the amendment was rejected.

Mr. HAGER. I desire to offer an amendment, to insert on page 14, after line 314, the following:

For the protection of the harbor of San Diego, California, by turning the San Diego River into False Bay, \$80,000, or so much thereof as may be necessary for that purpose.

Mr. President, this is in accordance with the notice I have given and in accordance with the recommendation I believe of every officer of the Government who has charge of any Department that bring harbors within their view. It has been recommended by a resolution of the Legislature of the State of California which I have here and which has been referred to the committee, by General Humphreys, by General Alexander, by Colonel Mendell, by the Coast Survey, and it is petitioned for by all the citizens living in the town of San Diego. It is the only harbor between San Francisco and Mexico, and for three hundred miles below the dividing line between California and Mexico, making a stretch of coast of about one thousand miles. It is the only natural harbor upon that whole coast.

The San Diego River having burst over its natural boundaries is now discharging into the harbor of San Diego. Formerly it discharged in the so-called False Bay; but by breaking over its boundaries it is now discharging directly into this harbor of San Diego, and that is being gradually filled up with *débris*, which comes down with the winter rains and from the mountains and from the sands above. It is estimated that about three hundred thousand cubic yards of sand and *débris* are being deposited there yearly. These officers all say that this fine harbor will be ruined unless it has protection by a barrier to divert the stream so as to throw it into the course in which it naturally and ordinarily flowed hitherto.

I have all these papers here before me and they can be read if there is any opposition to this appropriation. I was in hopes the chairman of the Committee on Commerce would assent to it, inasmuch as the recommendation came in subsequent to the committee's making their report. I will ask that the Clerk read the letters that have recently come in, if there is any desire to hear them. ["No!" "No!"] If there is no opposition, I will not require them to be read.

Mr. STEWART. I think there is no opposition.

The PRESIDING OFFICER. The Senator from California asks that a communication be read.



Mr. HAGER. Not unless the Senate desires it.

Mr. SARGENT. I hope the amendment of my colleague will be adopted.

Mr. CHANDLER. I have no doubt myself that this is a worthy appropriation. In 1602, that is two hundred and seventy-two years ago, False Bay was said to be a harbor, and the river is in the same situation now that it has been in since the acquisition of California. This river has emptied just where it does now for fifty years. I have no doubt it would be desirable to turn the river again into False Bay. In 1853 a dam was built to turn the river, but the first flood carried it away, and since 1853 it has remained in precisely the same situation. The rains in the spring wash down sand, and unquestionably in the process of ages—I cannot tell how many—it will affect the harbor; but it is in the same situation now that it has been since the acquisition of California.

Mr. HAGER. O, no; the Senator is mistaken. I have the map here.

Mr. CHANDLER. There is some filling up. I mean the river has emptied where it is now since that time. There has been some sand filled in.

Mr. HAGER. Here is the report of the Secretary of War in the Forty-second Congress in which the engineers recommend it, and say:

20. *Harbor of San Diego, California.*—This is the only secure harbor on our Pacific coast, south of San Francisco, for the larger sea-going vessels. It is close upon our Mexican boundary. It is to be the terminus of the Southern Pacific Railway, and is important from military considerations.

In the printed annual report from this office, of October, 1870, page 511, and in that of October, 1872, page 998, will be found a description, in detail, of the present condition of this harbor, and suggestions for its improvement.

The engineer officer in charge of the present examination, Major Mendell, repeats the recommendations made by others in the above-mentioned reports, that the best means of remedying the existing evils is the diversion of the river to its old channel into False Bay, by a dam or levee, the cost of which he estimates at \$30,000.

I have a letter from the Coast Survey that shows the importance of the matter, and I have also their map showing how the bed is making out directly into the harbor, of which Captain Patterson, of the Coast Survey, being familiar with this coast, being a navigator formerly in one of the mail steamships as commander, and in the habit of entering that port, has told me that in the course of a few years perhaps it may be entirely ruined by decreasing the ebb and flow of the tide, and keep out the necessary scouring of the water at the entrance to the harbor.

I do not desire to take up the time of the Senate, but if there is any doubt about the matter I should like to have those papers read. The latest one is dated April, 1874, last April, from General Alexander, recommending this particularly, giving the details of it; and if any Senator desires the information I have it here before me.

The PRESIDING OFFICER. The Senator's time has expired. The Senator asks that the papers referred to by him be read.

Mr. HAGER. I do not ask for them to be read unless there is opposition.

Mr. DAVIS. I understand this is an appropriation of \$30,000.

The PRESIDING OFFICER. It is.

Mr. HAGER. What is the objection?

Mr. SHERMAN. I ask the Senator from West Virginia whether he thinks it is worth while for us to waste time on these amendments? I can assure him all these amendments will be dropped, as a matter of course. At this period of the session, in all human probability, efforts to get amendments on this bill will not amount to much, even if they succeed. I appeal to the good sense of my friend from West Virginia not to make a debate on an amendment of this kind.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from California.

The question being put, a division was called for; and the ayes were 16, and the noes 19; no quorum voting.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAGER. Now I desire to say just a few words.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAGER. But I have a second time, have I not?

The PRESIDING OFFICER. The Senator is not entitled to be heard without leave of the Senate.

Mr. HAGER. I ask the Senate to allow me just three minutes.

The PRESIDING OFFICER. The Senator from California asks unanimous consent to speak three minutes longer on his amendment. The Chair hears no objection.

Mr. HAGER. This, as I have already stated, is a natural harbor, not an artificial harbor. We ask no appropriation for building a breakwater or any artificial harbor. You are in the habit of spending millions of dollars for the purpose of making artificial harbors, and yet here is one prepared by nature which is being allowed to be destroyed for the want of an appropriation of a few thousand dollars. This opposition seems to me the most astonishing thing in the world. Every Department of the Government, as I have stated and I have the documents before me to prove it, is in favor of this appropriation, recommending it for the preservation of a natural harbor, the only one in a distance of one thousand miles; and yet you allow it to be destroyed entirely for the want of a small appropriation. Millions are being expended, as I have said, for artificial harbors, for breakwaters along the coast, and yet you decline on this occasion to make an appropriation to preserve a harbor which nature has provided for you.

If, under these circumstances, as I have stated them, with the recommendations I have from the War Department, from the engineers, and from the Coast Survey, recommending this very appropriation and this very important improvement—if after all that has been done here this night this proposition is defeated, of course I shall have to submit to the decision of the Senate.

The question being taken by yeas and nays, resulted—yeas 24, nays 18; as follows:

YEAS—Messrs. Boggy, Clayton, Cooper, Fenton, Flanagan, Frelinghuysen, Hager, Ingalls, Johnston, Jones, Mitchell, Morrill of Vermont, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Stevenson, Stewart, Thurman, Tipton, West, and Windom—24.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Carpenter, Chandler, Davis, Ferry of Michigan, Hamilton of Maryland, Hitchcock, McCreery, Merrimon, Pease, Saulsbury, Sherman, Spencer, Wadleigh, and Wright—18.

ABSENT—Messrs. Alcorn, Brownlow, Buckingham, Cameron, Conkling, Conover, Cragin, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Harvey, Howe, Kelly, Lewis, Logan, Morrill of Maine, Morton, Norwood, Patterson, Ransom, Robertson, Sprague, Stockton, and Washburn—31.

So the amendment was agreed to.

Mr. BOREMAN, (at two o'clock a. m.) I move the Senate adjourn.

The motion was not agreed to.

Mr. RAMSEY. I move to amend the bill by inserting after line 9 of section 1:

To continue the construction of the breakwater at Du Luth, \$10,000.

Mr. President, there is an estimate for that, and there is a great necessity for it. Some time since the Government to protect the commerce of Du Luth constructed a breakwater, but owing to the storms which prevailed in these high latitudes and on that elevated water the greater part of it was swept away. It was erected mainly for the protection of the depot and the entrance to the railroad station, and the elevator which cost about \$150,000. There is really about \$300,000 worth of property protected by this breakwater. Carried away as it was by the storms, I think it is the duty of the Government to reconstruct it, and this is the small allowance we ask for to do that.

If we supposed Congress would be more liberal we should ask for more, as there is a necessity for more; but we shall be content with this much to carry us through the summer, when this work can be done and great protection offered to commerce.

If any gentleman supposes there is no occasion for this he is very much mistaken. If he supposes there is no trade at Du Luth he is much mistaken. They shipped from that port over three million bushels last year, say one hundred thousand barrels of flour. Although the town has been joked upon, it is a city of five thousand inhabitants, built in three or four years.

Mr. CLAYTON. I wish to ask where this improvement is to be made?

Mr. RAMSEY. At the city of Du Luth, on Lake Superior; and I will say that this is the only appropriation, in addition to barely \$10,000 for the inner harbor, for the whole of that lake in Minnesota, and about one hundred and fifty or one hundred and sixty miles of its coast are within our State. This is the only harbor on that lake in Minnesota for which any appropriation is made. I hope there will be no reluctance on the part of the Senate in giving me this.

Mr. SPENCER. Before voting on this question I should like to have read for the information of the Senate the speech of J. Proctor Knott, of Kentucky. [Laughter.]

Mr. RAMSEY. What would the Senator prove by that?

Mr. SPENCER. It is a long time since I read it, and I wish the Senate to hear it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota.

The amendment was rejected—ayes 17, noes not counted.

Mr. WEST. I desire to offer an amendment on page 16, which I understand from the chairman of the Committee on Commerce will not be objected to. It is merely requiring a survey. The amendment I offer is on page 16, to insert at the bottom of that page, after line 57 of section 2, the words:

The Red River at Alexandria, Louisiana.

It will probably cost \$100 to make the survey.

The amendment was agreed to.

Mr. RAMSEY. I give notice that as soon as this bill is disposed of I want the Senate to consider the post-route bill.

Mr. FENTON. I desire to offer an amendment to come in at the end of the one hundredth line, in the appropriation for the harbor at Buffalo, New York:

And the Secretary of War is authorized to remove and prevent accumulations of sand at the entrance of said harbor: *Provided*, The same can be done without expense or liability against the United States.

Mr. CHANDLER. I have no objection to that.

The amendment was agreed to.

Mr. BOUTWELL. I propose an amendment to come in after line 301. It is an amendment which the committee would have agreed to if the rule in the committee had not been so firm, but it has been departed from by the Senate. It is a proper appropriation for which estimates have been made by the department. It is very small but very important. I should not have offered it except under the practice of the Senate. It is to insert after line 301:

For removing bowlders from the Merrimac River, near the city of Newburyport, Massachusetts, \$6,000.

The amendment was rejected—ayes 14, noes not counted.

Mr. MITCHELL. I offer the following amendment after line 310, on page 14, insert:

For constructing a canal to connect the waters of the Coquille River, Oregon, with the waters of the Coos Bay, Pacific Ocean, \$100,000.

I desire to state that at the last session of Congress a survey was ordered and the report has been favorable, and I ask for an appropriation.

The amendment was rejected.

Mr. DENNIS. I offer the following amendment merely for the survey of a harbor; it is offered with the approbation of the Committee on Commerce. After line 90 of section 2 I move to insert:

Survey of the harbor of Crisfield, Somerset County, Maryland, with a view to remove obstructions.

Mr. BAYARD. Is that amendment open to amendment?

The PRESIDENT *pro tempore*. It is.

Mr. BAYARD. I will not offer any, for it is not required.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CHANDLER. I move that this order be entered with the bill:

Ordered, That the river and harbor appropriation bill be printed, with the Senate amendments numbered consecutively.

The motion was agreed to.

JOHN D. YOUNG.

Mr. STEVENSON. I ask the Senate to take up House bill No. 3772. It gives to one of my colleagues in the other House the balance of pay which the House voted to him, and the resolution for which I have on my table, and which the Clerk cannot pay him for want of funds. It is a bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky.

Mr. EDMUNDS. I think it extremely desirable that we should have an executive session for a few minutes.

Mr. STEVENSON. Let this bill pass.

Mr. EDMUNDS. This will be the unfinished business when we open the doors. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 18, noes 30.

The bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky, was read. It appropriates \$1,000 to pay to John D. Young the difference between the sum of \$2,500 ordered to be paid him by a resolution of the House of Representatives passed February 15, 1869, and the sum of \$1,500 which was paid him by order of the Committee on Accounts on the 5th day of April, 1869.

Mr. EDMUNDS. Has the bill been taken up?

The PRESIDENT *pro tempore*. The Chair considers it so.

Mr. EDMUNDS. I shall be glad to have the question taken upon that point.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate.

Mr. EDMUNDS. I wish to inquire of the Chair, if I am not out of order, whether this bill is reported from a committee, and what committee, and when?

The PRESIDENT *pro tempore*. It came from the House of Representatives to-night and has not been referred.

Mr. EDMUNDS. Then it requires unanimous consent, I believe. I should like to hear the Senator from Kentucky read the order of the House, or whatever it is, to see whether I object or not.

Mr. STEVENSON. Here it is:

Mr. NIBLACK. I offer the following resolution, which is approved by the Committee on Elections, and demand the previous question:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to John D. Young, out of the contingent fund of the House, the sum of \$2,500 for his expenses in prosecuting his claim to a seat in the House of Representatives for the ninth congressional district of Kentucky.

That resolution passed by ayes 101, noes 60. Mr. Young applied to the Clerk and got \$1,500, the receipt for which and the certificate of the Clerk as to which are before me. He cannot get the balance because the Clerk has no money to pay it, and this bill is to give him the balance of that which was due him under this resolution of the House.

Mr. EDMUNDS. Let the Senator read the certificate of the Clerk.

Mr. STEVENSON. Yes, sir.

The books of the office show that there was paid April 15, 1869, to John D. Young the sum of \$1,500 for expenses in contesting a seat in the Fortieth Congress.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kentucky to proceed to the consideration of this bill.

The question being put, there was one negative vote.

Mr. EDMUNDS. That is an objection.

The PRESIDENT *pro tempore*. The bill must be laid aside.

Mr. EDMUNDS. I did not vote no; I make no objection.

Mr. STEVENSON. I desire to know what Senator voted against it?

Mr. WADLEIGH. I voted against it. There are many bills on this Calendar which should pass, and I do not conceive that this bill has any preference over those.

Mr. STEVENSON. It will not take a minute. I appeal to the Senator from New Hampshire to withdraw his objection as a matter of courtesy to me.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire withdraw his objection?

Mr. WADLEIGH. I withdraw it.

The bill was read three times, and passed.

#### PRE-EMPTION AND HOMESTEAD ENTRIES.

Mr. HARVEY. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department, to report it back without amendment, and I ask for its present consideration.

Mr. THURMAN. I ask unanimous consent to move that when the Senate adjourns it adjourn to meet on Monday at ten o'clock.

Mr. EDMUNDS. No; there is no necessity for that. The regular hour will do. I have consulted about it.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. HARVEY] asks for the consideration of the bill just reported by him. Is there objection?

Mr. EDMUNDS. We passed a bill of that kind to-day. We ought to have a chance to look at it.

Mr. STEWART. I think it ought to be examined.

Mr. WRIGHT. I trust the Senator from Nevada will not object. Let the bill be read.

Mr. EDMUNDS. I object to the consideration of the bill until we hear what it is.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

#### REPEAL OF SANBORN CONTRACT LAW.

Mr. SHERMAN. I desire to call up House bill No. 3256. It will take but a moment. There is an amendment to it which requires it to go back to the House. It is the bill to repeal the Sanborn contract law.

Mr. BAYARD. I hope there will be no objection to that.

The bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes, was considered as in Committee of the Whole.

The amendment of the Committee on Finance was to strike out section 3.

Mr. SHERMAN. That section is a long penal section, prohibiting certain acts by members of Congress—the substance of the present law. We did not think it necessary to repeat the present law in this act.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

Mr. FRELINGHUYSEN. I do not rise to debate this bill, and I suppose I shall vote for it; but I wish to take this occasion, by way of debate, to say to the Senate that the Attorney-General has sent a communication to me saying that it is of the first importance that we should pass at this session of Congress a bill for the enforcement of law in Utah. The Judiciary Committee have also committed that subject to my charge. It is a matter of no personal interest to me whether the Senate pass the bill or not. As soon as that subject is mentioned, however, I know that with a great many it is looked upon as if there was a case of persecution or an unpleasant subject to take up. The fact is the bill as it passed the House is, you may say, only for the enforcement of law. The Attorney-General in his communication says the courts are all stopped in that Territory. I would say further that since the bill came into the hands of the Judiciary Committee of the Senate they have modified it so that there is nothing of it but simply a bill to open the courts of that Territory. I think, if the Senate will give me an opportunity that they may hear the bill, it will lead to no debate and will commend itself to the approval of the Senate. I make this statement now while the Senate can hear it, so that when I do move that bill they may decide whether they wish to legislate upon that subject or not.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### COURTS IN ALABAMA.

Mr. SPENCER. I desire to make a brief statement to the Senate, and I hope I shall have its attention.

We are in an unfortunate condition in the State of Alabama in regard to our courts. In the northern and middle districts of Alabama there is no circuit court jurisdiction. The Judiciary Committee of the House of Representatives have to-day agreed to report articles of impeachment of the United States district judge. We have had no courts in Alabama for over a year, and in the northern district, in which I live, for nearly two years. We shall be without any courts during the present summer and fall unless we can procure the passage of the bill which the Judiciary Committee have reported. I move



that the Senate proceed to the consideration of the bill (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend the bill by striking out all after the enacting clause and inserting:

That hereafter there shall be but one circuit court of the United States in and for the district of Alabama, to be known as the circuit court of the district of Alabama, which shall be held at the city of Montgomery, in said State, and commence on the first Monday in June annually. The said circuit court shall have and exercise in and for the said district of Alabama the same original powers and jurisdiction as are or may be conferred by law upon the circuit courts of the United States; and shall have and exercise appellate and revisory jurisdiction over the decrees, judgments, and proceedings of the district courts of the United States for the southern and northern districts as well as the middle district, of Alabama, under the laws of the United States regulating the jurisdiction, powers, and practice of the circuit courts, and the judges thereof, in cases removed into said court by appeal or writ of error; and the said court, and the judges thereof, shall have the general supervision and jurisdiction in all cases and questions arising in said districts, respectively, under the second section of the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States."

SEC. 2. That all civil causes, actions, suits, executions, pleas, process, and other proceedings now pending in said district courts of the United States for the southern and northern districts of Alabama, which might have been brought, and would have been originally cognizable in a circuit court, are hereby declared to be transferred to the circuit court of the district of Alabama; and the clerks of said district courts shall transmit all the original papers in such causes, and a complete transcript of all the dockets, minutes, orders, judgments, and decrees in such causes as the same appear of record in said district courts to said circuit court of the United States at Montgomery, Alabama; and the said circuit court shall have as full, complete, and ample jurisdiction to proceed, hear, try, and determine said causes thus transferred, and to do any and all acts, and make any and all orders in relation to such records and papers, as if said causes had been commenced originally in said court.

SEC. 3. That all acts and parts of acts contravening the provisions of this act be, and the same are hereby, repealed.

Mr. GOLDTHWAITE. I wish to offer a substitute for the bill reported by the committee. It is the bill passed by the House.

Mr. SPENCER. My colleague I think is mistaken in offering a substitute. He desires to have the Senate disagree to the amendment of the committee, so that we shall pass the House bill as it came to the Senate.

The PRESIDENT *pro tempore*. The Senator will accomplish his purpose by voting against the amendment of the Committee on the Judiciary. The question is on the amendment.

Mr. WRIGHT. There were several bills referred to the Judiciary Committee on this subject and upon the examination of the entire question the committee concluded to recommend the amendment which has just been read. I think it is well, before the Senate vote upon this question finally, that we have the House bill read, and then we can understand the question that is involved here.

The PRESIDENT *pro tempore*. The House bill will be read.

The Chief Clerk read the bill, as follows:

*Be it enacted, &c.*, That there shall be, and is hereby, established a circuit court of the United States for the middle district of Alabama, as said district is now constituted by law, to be held in the city of Montgomery, and a like court for the northern district of Alabama, as said district is now constituted by law, to be held in the city of Huntsville.

SEC. 2. That said circuit courts shall have and exercise, within their respective districts, the same original powers and jurisdiction as are or may be conferred by law upon the circuit court of the United States for the southern district of Alabama at Mobile, and shall have and exercise appellate and revisory jurisdiction over the decrees and judgments of the district courts of the United States for the said middle and northern districts, respectively, under the laws of the United States regulating the jurisdiction, powers, and practice of the circuit courts, and the judges thereof, in cases removed into said courts by appeal or writ of error; and said courts, and the judges thereof, shall have the general superintendence and jurisdiction over all cases and questions arising in said district courts, respectively, under the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," as is provided for in the second section of said act.

SEC. 3. That there shall be appointed for each of said circuit courts for said middle and northern districts by the circuit judge of the circuit a clerk, who shall take the oath and give the bond required by law of clerks of circuit courts, and who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by law for clerks of circuit courts; and the United States marshals for said middle and northern districts shall respectively act as marshals for said circuit courts, and the United States district attorney for said districts shall discharge the duties of district attorney in said circuit courts for said middle and northern districts.

SEC. 4. That the clerks of said district courts for said middle and northern districts shall transfer to the clerks of the said circuit courts respectively all the original dockets, records, and files of papers in all common law and equity causes which might have been brought and would have been originally cognizable in a circuit court, and which were either disposed of or pending in said district courts while the same were vested with circuit-court powers.

SEC. 5. That the circuit court of the United States held at Mobile, Alabama, shall be designated and known as the circuit court of the United States for the southern district of Alabama; and its appellate and revisory power, upon appeal or writ of error, or by bill or petition, or otherwise, under the second section of said act entitled "An act to establish a uniform system of bankruptcy throughout the United States," is hereby restricted to judgments and decrees rendered or causes and questions arising in the district court of the United States for said southern district; and that the fourth section of the act approved March 3, 1873, entitled "An act relating to the circuit and district courts of the United States for the middle and northern districts of Alabama," be, and the same is hereby, repealed.

SEC. 6. That terms of the circuit and district courts for the several districts of Alabama shall be held as follows: For the southern district, the terms of the circuit and district courts shall commence on the fourth Monday of December and the first Monday of June in each year; for the middle district, on the first Monday of May and the first Monday of November in each year; for the northern district, on the first Monday of April and the second Monday of October in each year.

SEC. 7. That the fifth section of the act approved February 22, 1838, entitled "An act to abolish the circuit court at Huntsville, in the State of Alabama, and

for other purposes," and the act approved August 4, 1842, entitled "An act to regulate appeals and writs of error from the district court of the United States for the northern district of Alabama," be, and the same are hereby, repealed.

SEC. 8. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. WRIGHT. When this bill was first before the Judiciary Committee the question was whether we should give to the State of Alabama more than one place for holding the circuit court. It was determined at that time that there should be but one place, and that should be Mobile, and we reported the bill back accordingly, the opinion of the committee being that it was not advisable that there should be three places of holding court in the State of Alabama. In other words, that it was not necessary that there should be a circuit court in each one of the districts of Alabama. We regarded that the expense attending upon these three courts was such that we could not at this time well afford to recommend it, and we reported the bill accordingly. Upon the suggestion of the Senators from Alabama we changed that recommendation, the bill being recommitted, and recommended that a court be held for the State at Montgomery, the capital of the State. The amendment of the committee is that there be one circuit court for the State of Alabama, to be held at Montgomery, having jurisdiction throughout the entire State, instead of at Mobile, as at first recommended, there being three district courts still held in that State.

The bill as passed the House, as I understand it, provides that there shall be three places of holding the circuit court in Alabama. It is for the Senate to determine whether there shall be one place of holding court at Montgomery or whether there shall be three places. I suggest to the Senators from Alabama that if that is not sufficient, then it will be better for them to propose an amendment, so that there shall be two places of holding court, at Mobile and at Montgomery, if it is desirable that there shall be a court held at Mobile; but the committee were of the impression and still entertain the opinion that it is not advisable under the circumstances that there shall be three places of holding court in the State of Alabama. That is the question which is presented. We have recommended that there be one place, and that the capital, for holding the circuit court, and three districts each having a district court. We think this is about the same that is found in other States; but we know that as the House bill stands it provides that there shall be additional clerks provided in each one of these districts.

Mr. SPENCER. I beg pardon.

Mr. WRIGHT. As I remember the House bill, it proposes that there shall be a clerk appointed in the northern and central districts, and that there shall be a marshal also who shall discharge the duties in these districts, and courts shall be held there, and that necessarily increases the expense of holding the courts. The committee have made this recommendation, and it is for the Senate to determine whether there shall be a court held in each one of these places under the circumstances.

Mr. SPENCER. The bill as passed by the House of Representatives was drawn by Judge Wood, the present circuit judge of that circuit. There are already three districts in Alabama. There are two marshals, one for the northern and middle districts, and one for the southern district; there are two district attorneys, and there are three clerks of the courts.

This bill will, in my opinion, add not one dollar to the expenses of the United States. The bill is agreed upon by the entire delegation from Alabama in the House and in the Senate. The entire delegation are unanimous. I have in my hand a telegram from the bar of Mobile. I have in my desk letters from the bar all over the State asking the passage of the bill as it passed the House.

Every one knows that if the bill fails now we shall lose it entirely. Any amendment will be fatal to it. I hope the amendment of the Senate committee will be voted down and the bill passed as it came from the House of Representatives.

Mr. EDMUNDS. I am not much surprised at the speech of the Senator from Alabama. We had considered this bill in the Judiciary Committee as many other bills of a similar character, faithfully, and we thought, knowing what the business of these courts in Alabama is from the official returns, that there was no just excuse for increasing the court facilities there at all.

Mr. STEVENSON. If the Senator will allow me to interrupt him, I will state that we have not any courts in Alabama.

Mr. EDMUNDS. I think I understand the whole subject quite as well as the Senator does, if he will pardon me. I do not know whether they have had courts in fact in Alabama or not. That is a subject which Congress cannot provide for. We cannot make judges do their duty and we cannot get rid of judges by any action of our own independently whom people have got appointed there. But I was saying that carefully considering this bill and other similar bills, the committee were of opinion that the amount of public business as shown by the official returns in that State would not justify any increase of expenses whatever or increase of the places of holding courts. Then the question was whether we should provide that this circuit court (which by implication of law now I think extends over the whole State, but to save the possible question we are willing to provide for that at any rate) should be held at Mobile or Montgomery. It was finally determined, I believe with the concurrence of one of the Senators from Alabama at any rate, that if only one place was to be fixed, Montgomery was the proper one as being the center of the State. Of

course the people of Mobile do not like that. They want a circuit court where they have it now. The people of Montgomery want to have a court there; the people of Huntsville want a court there; and so on; but the United States, as we thought, is not justified in putting the circuit court on wheels and running it around over a State where there is nothing to do. In the middle and northern districts of Alabama the circuit court business is practically nothing at all, as the returns show.

Now, if the committee has done its duty to the Senate and to the country in recommending what is right and resisting what is wrong for the public interests in the regulation of the courts of the United States in that State, certainly the Senate ought to stand by this report. If on the other hand the Senate think that provision ought to be made for having a United States court wherever the people of a locality demand one—and they will demand one in every county as fast as they find they can have one—then the committee ought to be overruled and you ought to give these gentlemen all the courts they ask for. That is the simple question. We have no interest against Alabama, quite the reverse; but having all the official information before us as to what the necessities of the case were and what would justify the expense of holding additional terms and so on, we felt obliged unanimously to report—

Mr. STEVENSON. Not unanimously.

Mr. EDMUNDS. I beg pardon of the Senator; I believe it was not a unanimous report; I think one member of the committee was in favor of something more. I withdraw the observation. I had forgotten the circumstance. We made this report then.

Now I wish to ask the Senate, in the interest of the administration of justice and of securing the Treasury and of keeping the circuit courts of the United States within some bounds, to agree to this amendment recommended by the committee, and then I shall have no objection to the passage of the bill although, as I say, we strained a point in doing anything about it except as to the question of jurisdiction.

Mr. STEVENSON. I have been constrained to differ with the committee, a thing I rarely do, and I desire briefly to state the reasons for that difference. I was the only member of the committee who differed from the majority.

The first ground I take is that the Senators and Representatives of a State know what their wants are, and if there is no increased expense it is the duty of the Senate to yield their assent. When a united representation in the other House and a united representation here say to us "The necessities of the State demand that we shall have three places for holding our courts, and we ask it as a local matter without increasing the expense," I think it ought to be granted.

Mr. EDMUNDS. But you do increase the expense every time.

Mr. STEVENSON. In the next place it appears that the circuit judge himself drew this bill. He knew very well what the necessities of the State were. I have great sympathy for the people of Alabama, a State in which I never was, but I know some little about its situation. It is very much like Kentucky. I believe that we have three places of holding our courts and the distances between them are not near as great as the distances in Alabama are. In addition to that, from Huntsville to Montgomery is two hundred and fifty miles and you have to cross a chain of mountains to go from one to the other. In the impoverished condition of that people, I think that it is a hardship rarely presented to the Senate to deny them the privilege of having a court where they have held it heretofore, where there will be no additional clerk, no additional marshal, and where the people can enjoy the benefit of justice without being put to the expense of two hundred and fifty miles' travel over the mountains from Huntsville to Montgomery.

Then again it is impossible to know what the business will be until you have the court, and they have not enjoyed the benefit of courts for some time.

Mr. SPENCER. For two years.

Mr. STEVENSON. For over two years the Senator from Alabama tells me.

Mr. SPENCER. At Huntsville.

Mr. STEVENSON. Now, sir, in view of all these circumstances and in view of the action of Congress at this session in dividing the State of Louisiana into two judicial districts, is it not a hardship for the Senate to overrule the wishes of the Senators and the wishes of a united representation in the other House from Alabama when what they ask involves no increased cost and has the indorsement of the judge himself? It does seem to me that it makes the strongest appeal I have heard, and therefore I was constrained to differ from the committee and I hope the Senate will grant what is requested.

Mr. GOLDTHWAITE. When I understood that the House bill was before the committee, I immediately went to the chairman, for it is a matter in which the people of Alabama, suffering as they have done for many years under the infliction of an unjust and incompetent judge, feel a deep interest. I went to the chairman of the Committee on the Judiciary, and I found to my surprise that a bill was to be reported providing for but one place of holding a circuit court in Alabama, and that at Mobile or Montgomery. It is true as I informed him that I reside at Montgomery, and it is true also that I did say to him that if the court was located at Montgomery I would receive more benefit from it than I would if it was located at any other point,

I told him at the same time that it was in every respect unjust that Alabama, extending from the Gulf of Mexico to the Tennessee line, upward of five hundred miles, that had from the time of its organization as a State been recognized as in three divisions, South Alabama, Middle Alabama, and North Alabama, should be allowed only one circuit court. I told him that it was a matter upon which the entire bar of the State were agreed, so far as they were concerned, that the House bill was drawn at the request of the circuit judge, of whom not one single citizen of Alabama has a right to complain; that it was his wish and the universal wish of the bar and the wish of the people. For a million of people, which is the population of Alabama, to be called upon to go to but one court in the center of the State, would necessarily operate to increase the expenditures to which the people would be subjected by causing the court to continue longer than it would under different circumstances. It is not in accordance with the existing recognition of the people of Alabama dividing their State into three distinct and separate districts, which has been the case from 1819 when it was admitted into the Union.

We have had one district court at Mobile, one at Montgomery, and one also in Huntsville; but, sir, we have now no wish for our district courts. This is owing to the incompetency of the judge who has presided over them, so long an infliction on Alabama which but few States have endured.

So far as the bill is concerned, I understand that there is but one objection to it on the part of the committee, and that is that it increases the expenses. Now, we have a circuit judge who is to hold each of these circuit courts. We have two marshals who, under the bill as proposed by the House, will attend to the three districts. So there is no judge to provide for, there are no marshals to provide for. The only officers of the court that are left are the clerks, and the clerks are paid according to the fee bill by fees alone. So that really, with the marshals and the judge, and the clerks paid from their own fee bills as framed by law, I do not see how there can be one single dollar of expense to the United States. And when the measure proposed is in accordance with the wish of the entire people of Alabama, when not a single member of the bar is arrayed against it, and it involves no expense whatever to the Government, it would seem to me strange that it should be denied to that people under such circumstances.

Mr. FRELINGHUYSEN. It is very clear, I think, that this bill will not pass to-night. A suggestion was made by the Senator from Iowa that an amendment might be prepared providing for two courts, as they have two marshals. This bill for three I do not believe will pass without a great deal of discussion. But at all events I feel it my duty now to move to postpone this bill and proceed to the consideration of the bill for the enforcement of law in Utah.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to postpone the pending bill and proceed to consider the Utah bill, so called.

Mr. SARGENT, (at two o'clock and fifty-two minutes a. m.) I move that the Senate adjourn.

The motion was not agreed to, there being on a division—ayes 15, noes 24.

Mr. SPENCER. I hope we shall now have a vote.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from New Jersey.

Mr. FRELINGHUYSEN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPENCER. I appeal to the Senator from New Jersey to withdraw his motion until we get a vote on this bill. It will relieve the people of Alabama very much.

Mr. STEWART. I hope the Senator will accept the Judiciary Committee's amendment and take the chance of having it acted on in the other House.

Mr. SPENCER. That is asking something very unfair. I am willing to take a vote of the Senate and abide by the decision of the Senate without any further debate.

Mr. STEWART. I fear you will get nothing unless you take the Judiciary Committee's amendment. The House will act on it at once.

Mr. SPENCER. I do not think at this hour anybody wants to debate the question.

Mr. EDMUNDS. It will certainly have to be debated until it is fairly understood. I do not intend to commit this country, with the number of similar demands there are from sundry States to put the circuit court of the United States on wheels to run into every county, without the Senate fully understanding the subject, so that at the next session (if you are to leave it to the citizens of each State to say how many courts they shall have) we shall be relieved of the trouble of settling the question. If you want to turn everything into the Federal jurisdiction, to overthrow all the State courts and invite everybody to sue in the Federal courts everywhere, and double the expenses of the Treasury, then of course you can begin where the Senator from Alabama wants you to begin, by putting the courts in that State on wheels and carrying them into every section of the State, when from the state of business in that State, as everybody knows, it is not once in a long while that anything except a criminal case (which can be tried in the district court) would arise in the northern part of that State. You do enough when you give to that State, whose business, as I say, in the circuit court is so limited, a circuit court either at Mobile or Montgomery, just as the Senators say, for



we left it to them to choose their place, and they said if they could have had but one, and not three as they preferred, they thought the public interests required them to agree on Montgomery.

I repeat if the Senator wishes to say that instead of acting upon sound principles about this business and independent of local wishes you are to turn this subject over to the various States through their representatives to determine for themselves according to local pressure how many circuit courts they will have, then the committee wish to know it fairly on discussion and we will report the rest of the bills according to the wishes of the various Senators and let the Treasury take care of itself. If on the other hand you are to act upon this bill on the principle that upon a careful investigation of what the public good imperatively demands, and as far as the public good will allow you to go, then I wish the Senate to stand by the careful consideration of the committee and give to these people all the court that ends of justice and such conveniences as other States, like New York and Ohio and so on have, require.

But, Mr. President, I do not want at this present stage, when another motion is pending, to take the time of the Senate to discuss this; but we have got to meet this responsibility, and meet it fairly upon its merits, without regard to the special wishes of my friend from Alabama. We have to act upon different ground. If this matter is to be debated I will send down to the committee-room and get the documents and reports and show the Senate how much circuit-court business there is in Alabama, so that we shall vote understandingly.

Mr. SPENCER. I cannot help saying and believing that the Senator from Vermont is very harsh and very unjust. We have no district court in Alabama. If there was a district court in Alabama we should be perfectly willing to accept the committee's report.

Mr. EDMUNDS. Let me state to my friend that that is a temporary inconvenience, because you have a judge who you think is not a good one. Perhaps he is not; I have no right to pronounce any opinion.

Mr. SPENCER. He does not hold court, and the Judiciary Committee of the House have agreed on a resolution of impeachment.

Mr. EDMUNDS. I have no right to say anything about that. I only point out to the Senate from the Senator's own statement that what they demand here is a regularly organized tribunal in three or four places in the State because for the moment you happen to have a judge that you do not like or who does not do his duty. The circuit judge has a right to order into any one of these districts any other district judge if this man does not do his duty, and the business can be disposed of. The Senator has forgotten that.

Mr. SPENCER. I have not forgotten that. Being forced to do it, I will accept the committee's amendment rather than endanger losing the bill entirely. I will accept the committee's amendment. I do it, however, under protest.

Mr. GOLDTHWAITE. What did I understand my colleague to say?

Mr. SPENCER. That we would accept the amendment of the committee rather than lose the bill.

Mr. GOLDTHWAITE. I should rather lose the bill. It would be rank injustice so far as the people of Alabama are concerned, to bring them from the Tennessee line to the center of the State, and from the Gulf to the center of the State. It is contrary to the wishes of the people. It is contrary to the recognized course of the people. So far as Alabama is concerned she has universally from the time of her admission down to the present hour, recognized three principal divisions of the State, and conformed her judicial proceedings with relation to those divisions. Now, there is not five dollars or certainly not fifty dollars a year to be lost to the Government by this; and every member of the bar, and the entire delegation so far as Alabama is concerned, and the people of Alabama, are for the House bill. It appears to me most singular that Alabama should be denied what her people, her bar, and her circuit judge desire to have.

Mr. SPENCER. If my colleague will allow me a moment, I will state to him, as that he is aware—and I wish the Senate to understand it—that at the present time in two-thirds of the State, in the northern and middle districts, there is no circuit court jurisdiction, and there is no Federal jurisdiction unless this bill passes in some shape. Hence I am willing to take the amendment of the committee rather than to be for the next six months in Alabama without any court.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment of the Committee on the Judiciary.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. I am sorry to hear the warm remarks of the Senator from Alabama, [Mr. GOLDTHWAITE,] appealing to the enthusiasm of the Senate to do a particular act for him because his people demand it. Let me tell the Senator, so that there shall be no misunderstanding about this, that the districts of Middle and Northern Alabama never had a circuit court in their lives. The district courts have had circuit-court jurisdiction until within a year or so when, on account of the misconduct of the judge and at the request of Senators from Alabama themselves, we consented to withdraw the circuit-court jurisdiction from those two northern districts of the United States, because they did not wish to have it reposed in the judge. They stated that there was scarcely any circuit-court business there, and he having circuit-court powers was enabled to practice tyranny on the people, it was claimed. We yielded to that demand and with-

drew the circuit-court jurisdiction and conferred it, as the act of Congress intended to do, upon the circuit-court judge, embracing the whole State. My opinion is now that that is the effect of the act; but there is a doubt about it; and now they come to us and say "We want that doubt removed." "Very well," we say, "we will remove the doubt." "Then" they say "we want two independent circuit courts set up that have never been set up in the States before in all its history," and which as I say referring to the reports of business existing for a long series of years have no occasion, so far as the interests of business are concerned, to exist at all.

What are the jurisdictions of the circuit court? The district court has criminal jurisdiction concurrent with the circuit court in all cases that arise up there. Then, when you come to civil jurisdiction, it is between citizens of different States, and you find that there is no commerce in that part of the country sufficient to require a large resort to Federal courts; and when you come even to the southern part of the State, the state of its business at this time, and has been for a long time, is such that the amount of proper Federal jurisdiction for the circuit court is not enough to keep one judge for two months in the whole year. That is the fact about it. There are cases in bankruptcy, it is true; there are cases of internal-revenue violations, over both of which the district courts have proper jurisdiction.

I repeat that the circuit judge can now without any law, if this judge does not do his duty in these districts, assign any other judge to go there from town to town and hold the district courts now provided by law. In the face of this, when in the State of New York, having three million inhabitants, their courts are still farther apart by a long distance than those proposed in the State of Alabama, it is said that you shall set up two distinct circuit courts to accommodate the wishes of that people.

As I said before, I have demanded the yeas and nays in order that the committee may be guided in their action upon other bills by the action of the Senate upon this. If the rule is to be adopted that the wishes of Senators and members on the subject are to be the guide of action, then the Judiciary Committee will of course cheerfully return to the Senate, according to the wishes of the various Senators, the dozen or two bills involving a million or two of expense which are before us creating fresh circuits and fresh places of holding courts, and all that sort of thing; and we will take it as the rule that the wishes of the Senators, pushed up by the people who want more terms and more offices, are to be the guide. If, on the other hand, the condition of business, the state of the Treasury, and the history of the transactions that we have had before in reference to these matters are to be the guide, then I do submit to the Senate that, however much we may wish to oblige our friends from Alabama, as I certainly should be glad to do as they know, we ought to stand by the committee and do what we have recommended to be done. That is all I have to say.

Mr. THURMAN. Mr. President, I cannot help thinking that my friend, the chairman of the Judiciary Committee, exaggerates the importance of this bill. It creates no new district. Three districts exist in Alabama already, and have ever since 1819, I believe. I do not think there is any great increase; and now if there is any State in the Union in which a circuit court is not held in every district in the State, with perhaps the exception of the eastern district of New York, I am not acquainted with it.

Mr. EDMUNDS. The Senator ought to remember that there is really only one district in the whole of Alabama. It was divided at the request of Senators into three places of holding courts, but there is only one district and one judge. It is subdivided.

Mr. THURMAN. It amounts to the same thing. There are practically three districts; and I say again I do not know a single State in the Union which is divided into districts in which a circuit court is not held in each district except—and I am not sure of that—in the case of the eastern district of New York, which is just across the East River, consisting of Long Island, if that be an exception.

Mr. WRIGHT. The State of Iowa is precisely like the State of Alabama; it has but one district judge and four places of holding the district court; and we have but one place of holding the circuit court in the State of Iowa.

Mr. THURMAN. How many district judges?

Mr. WRIGHT. One district judge as they have in Alabama, and four places of holding court.

Mr. THURMAN. I see no good reason why in this particular case (if Iowa is an exception it is the only one I know of besides Alabama) Alabama should be treated differently from the mode in which other States are treated. I do not think there is any precedent to be dreaded or any danger of running up the expenses of the judicial administration of the United States by passing this bill as the Senators and Representatives from Alabama wish, and as the House has accorded to them.

Mr. STEVENSON. I have only a single remark to make. So far as I am concerned I shall always consult the wishes of Senators and the wishes of Representatives in the other House and the wishes of the judges, if it does not increase the expense; but if it does increase the expense, then I shall wait, and I think the committee will wait. Now I undertake to say that the expense is not increased so far as clerks and marshals go. That is the information I get.

Mr. EDMUNDS. Does the Senator mean to say that there are three marshals in the State of Alabama?

Mr. STEVENSON. No, sir. I do not say that. I say that there are two, and there will be but two under this bill. There will not be one increase.

Mr. GOLDTHWAITE. One marshal for the northern and middle district.

Mr. EDMUNDS. How many grand juries will be summoned and petit juries?

Mr. STEVENSON. No more grand jurors or petit jurors so far as expense goes, because they will be at Montgomery if you have but one court, and how will the Senator satisfy himself when he talks about Federal jurisdiction, when he himself has divided the State of Louisiana into two judicial districts with two judges, with extra officers and extra clerks? That is what I consider increasing Federal jurisdiction when you increase Federal judges and increase Federal circuits. Then you increase expenses. That can be done in Louisiana.

The circuit judge who is to hold this court wrote this bill. That is the highest evidence to me in addition to the united voice both of the Senators and Representatives of the State, that the interests of the people demand it and require it; and if he is willing to do it why should any portion of the Judiciary Committee say "you shall not do it." They cannot say it upon the score of expense. There will not be another marshal and not another clerk. These men have had it from almost time immemorial.

Mr. EDMUNDS. Have had what?

Mr. STEVENSON. Have had courts at three distinct points, and that is all they ask now. Will the Judiciary Committee say that the circuit judge who proposes to hold three courts is not to be consulted? Is his opinion as to the necessity of this measure not to be looked to? Do we not know that whenever there is nothing that requires such a measure in the public interests, the judges affected always write to the Judiciary Committee and make suggestions? Judge Wood not only desires it, but framed this bill, and so far as I am concerned I want every State when the public expense is not increased to be accommodated in judicial matters as far as the desires of their people can be properly accorded.

Mr. WRIGHT. It has been said by the chairman of the committee, the Senator from Vermont, that it is desired by the committee that the Senate should determine this question fairly as to whether they propose to enter upon this scheme of increasing the courts. I need not tell the Senate that the committee have no kind of feeling on earth on this subject except simply to do what is just and right under the law.

It is suggested that the bar of Alabama have petitioned for these courts. There is not a State in this Union but what the bar at the different places would petition the Congress of the United States for an increase of courts, having no kind of regard to and no thought so far as the question of expense was concerned. It is said here that there is no necessary increase of expense. Does not every Senator know that you cannot have an increase of courts without an increase of expense? You have an increase of grand jurors and petit jurors. As you have an increase of the number of courts you have an increase in the days that the courts are held, you have an increase in the expense every day that you hold court in these different places as every person knows. You have a court at Huntsville, Alabama, a court at Montgomery, and a court at Mobile, and you necessarily have an increased expense.

I suppose Judge Wood, in suggesting that these courts be held at different places, acted on the admitted fact that Judge Busted was not holding these courts. This is a mere temporary inconvenience, as every person understands. That temporary inconvenience can be remedied and would be remedied if another judge was appointed there; and it is suggested that impeachment articles have been preferred against the present incumbent. If a proper judge were appointed to hold the district courts, those courts could be held, and then the circuit court held in one place for the State of Alabama would be quite sufficient. The judicial business in the State of Alabama does not at all compare with that in other States that have but one circuit court. It does not compare with the business in my own State, where we have but one circuit court. It does not compare with other States where they have but one circuit court. They have their district courts or they may have them in three places. This bill provides, as I remember, that there shall be an increase of the clerks of the court. There necessarily follows an increase of days of holding court and all the expenses attending a court.

We have no kind of feeling on this subject except that a rule shall be established that shall be recognized as fair and just in reference to other States. The Senator from Kentucky refers to the case of Louisiana. Whether that be right or wrong under the circumstances does not at all affect this question. The circumstances attending that case were entirely different from what they are here. Louisiana had had two district courts before the rebellion, as we understand; a large State as compared with Alabama, and it was shown here and it was shown to the committee that so far as northern Louisiana was concerned jurors and witnesses had but one place to go to for holding the district court and but one place for the circuit court, and that was New Orleans, and they had to travel from four to five hundred miles and sometimes seven hundred miles to get to court at New Orleans, and the circumstances were so pressing and the recommendation such from the Department of Justice, that the committee felt justified in making that recommendation. In the State of Alabama they are in

no different condition so far as the courts are concerned than are dozens of other States in the Union almost.

If the Senate under the circumstances determines that there shall be three places of holding the circuit court, while they have three district courts, and when the returns of the Department of Justice show that they have comparatively but little business in these different places, small as compared with other States of the Union, then you have started upon a scheme of putting these courts on wheels to travel into every county in the State, and the expense that will be entailed upon the Government and the consequence no one can tell.

The truth is, Mr. President, that these things are increasing every day, and it behooves the Senate to stop, else no person can tell where the expense will end. I want the State of Alabama to have all convenient places for holding court. I suggest to the Senators that the best way for them to determine this question is that they let the amendment reported by the committee prevail, let it go to the House; if they refuse to concur there can be a conference, and I believe that then, if it were accepted, they might agree upon a proposition to have a court at Montgomery and one at Mobile, and I am not sure but that might be a fair compromise; but as it stands now they insist on having three places of holding the circuit court, and therefore having a different condition of things than is found in any other State in this Union—but one district, and three places of holding court in that district. No other State can be found where there is a parallel to this so far as I now remember.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey to postpone the pending order and proceed to the consideration of the Utah bill.

Mr. FRELINGHUYSEN. I will waive that motion for the present to have a vote on this matter.

The PRESIDENT *pro tempore*. The question then is on the amendment of the Committee on the Judiciary, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 31; as follows:

YEAS—Messrs. Anthony, Boutwell, Carpenter, Chandler, Edmunds, Frelinghuyesen, Harvey, Oglesby, Ramsey, Scott, Wadleigh, and Wright—12.

NAYS—Messrs. Allison, Bayard, Boggs, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hitchcock, Kelly, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Sargent, Saulsbury, Spencer, Sprague, Stevenson, Stewart, Thurman, and Tipton—31.

ABSENT—Messrs. Alcorn, Brownlow, Buckingham, Cameron, Conkling, Cragin, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hamlin, Howe, Ingalls, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Robertson, Schurz, Sherman, Stockton, Washburn, West, and Windom—30.

So the amendment was rejected.

Mr. EDMUNDS. Now let the bill be read, that we may see what is in it.

The Chief Clerk proceeded to read the bill.

Mr. ANTHONY. I think at this time of the night we might take a practical view of the question. It is clearly manifest that this bill will not pass until a very late hour of the morning, if at all, after the disposition that has been manifested.

Mr. THURMAN. It will pass in five minutes.

Mr. ANTHONY. It cannot pass in five minutes, because the chairman of the Committee on the Judiciary has declared his intention to debate it. I certainly do not wish to prevent the passage of the bill if it is the desire of the Senate to pass it; but I think we are wasting our strength here which we require for the rest of the session. I move that the Senate do now adjourn.

Mr. HAMILTON, of Maryland. Is it in order to stop the Clerk in reading a bill, to make a motion to adjourn? Let the bill be read through. Let us hear it.

Mr. ANTHONY. I do not think the Clerk has or claims any such privilege as that. It is done always.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) A motion to adjourn is in order at all times. It is moved that the Senate do now adjourn.

The motion was not agreed to.

The Chief Clerk resumed and concluded the reading of the bill.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I do not intend to occupy the time of the Senate any more. I understand precisely the ground upon which this bill is to pass; but I wish to correct an error into which Senators who have been somewhat warm in their debate about this bill not creating any new offices, have fallen. Those Senators who listened to the reading of the bill, if there were any such, will see that it does set up the entire machinery of circuit courts in the northern and middle districts, there being all the machinery already in the southern district. It provides for the appointment of fresh clerks whose fees I suppose now by law may run up to \$5,000 a year, and they have salaries also, which are not large to be sure. It then provides for the appointment I think of one more marshal, so that there is a marshal for each one of the three districts.

Mr. SPENCER. The Senator is mistaken in that.

Mr. EDMUNDS. It may be; perhaps I was mistaken before when I understood all the Senators to say it did not create any new officers at all. The Senator from Kentucky harped on the subject that there was no additional expense; that it did not provide for any; if it did then it would be another thing. Now, you find when you come to



read the bill that it goes the full figure; nothing is left undone to set it up. I merely wish to say now as to this bill that I leave it for one in charge of the Senators who wish to pass it with all the provisions it contains without taking any personal responsibility about it myself.

The bill was ordered to a third reading, read the third time, and passed.

Mr. SARGENT. I move that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock and thirty minutes a. m. on Sunday, June 21,) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

SATURDAY, June 20, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read in part, when the reading was suspended to receive a

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a resolution for the suspension of the sixteenth and seventeenth joint rules of the two Houses for the residue of the present session; in which the concurrence of the House was requested.

### SUSPENSION OF JOINT RULES 16 AND 17.

Mr. GARFIELD. I move that the House concur in the resolution just received from the Senate for the suspension of the sixteenth and seventeenth joint rules of the two Houses for the remainder of the present session. I may say that I do not know that there is any other reason for the existence of those rules than that they may be suspended.

The SPEAKER. That is all the use the Chair has ever known for them.

Mr. MAYNARD. I would suggest to the gentleman that there might be a time when the rules might become important. They were put there like a sword in a sheath to be used in an emergency.

Mr. GARFIELD. They were designed to be a brake on the business; but there is no need of a brake now.

The SPEAKER. The sixteenth and seventeenth joint rules of the two Houses will be read.

The Clerk read as follows:

16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

The SPEAKER. The Chair believes that there never has been a session since the rules were adopted that they have not been declared inoperative.

Mr. NIBLACK. I have no objection to concurring in the resolution of the Senate; but I would ask, why should those rules be maintained if they are always to be suspended?

Mr. GARFIELD. There is a case in which these rules might be made operative. Suppose we were in this situation, that the Senate wanted to force the House to a final adjournment without passing certain bills, or that the House wanted to force an adjournment without the passage of certain bills. This is a complete check which one House has upon the business of the other if it chooses to exercise it. In some instances it might be of great value.

Mr. G. F. HOAR. If I may be permitted to say a word, I believe these rules were intended to save the country from the passage of those ill-considered and ill-understood bills which get through during the hurry and confusion of the last three days of a session of Congress. They are most wise and salutary rules, although undoubtedly there may be a necessity to suspend them for certain bills essential to the public business. But if instead of consenting to suspend them generally every year as we do, the suspension was limited to appropriation bills and bills of like character, I think it would be one of the greatest safeguards the country would have against ill-considered legislation.

Mr. KELLOGG. I would suggest to the gentleman from Massachusetts that if the rules were enforced as he suggests it would cut off every pension bill that passes in the latter portion of the session.

Mr. WILLARD, of Vermont. Well, then, the pension bills ought to be passed earlier in the session.

Mr. MAYNARD. These are rules which everybody who has studied the matter for a moment will see look to the greater independence of the two Houses of Congress. I may say that owing to the universal comity between the two Houses they have never yet been enforced. They have been suspended, I think, every year by general consent. The rules, however, are right enough, and their suspension is also right enough.

Mr. NIBLACK. I think these rules are right and that they should be enforced; but I do not propose to put myself in the position of objecting to this motion.

Mr. SENER. If this discussion is proceeding by unanimous consent, I object to it.

The SPEAKER. It is not proceeding by unanimous consent; the motion is debatable.

Mr. RANDALL. The fact is that these rules ought to be retained, but an exception should be made in favor of appropriation bills. They should be the only bills allowed to pass between the two Houses on the last three days of the session. The enforcement of this rule would prevent action by the two Houses on bills which are crowded through in the closing hours of the session and which should not pass at all.

The SPEAKER. As this question is before the House, the Chair will make the remark that it is the appropriation bills above all other bills to which the rule should apply.

Mr. RANDALL. They are always delayed until the last days of the session.

The SPEAKER. That is the very evil that these rules were originally designed to correct.

Mr. RANDALL. But they have failed in their purpose.

The SPEAKER. Entirely so; and the Chair believes that every year since 1822 these rules have been suspended at the end of the session, and the proposition to suspend them has uniformly come from the Senate as it does now. It takes a majority vote only to suspend these rules.

Mr. GARFIELD. I now call for a vote on my motion to concur with the Senate in suspending these rules.

The question was taken; and the resolution of the Senate was concurred in.

### READING OF THE JOURNAL.

Mr. WILLARD, of Vermont. I now call for the continuation of the reading of the Journal; I believe it was not completed.

The SPEAKER. It was not.

The Clerk resumed the reading of the Journal.

Mr. DAWES. I move that the rules be suspended so as to dispense with the further reading of the Journal.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the further reading of the Journal was dispensed with.

### MANAGERS OF NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. ALBRIGHT, by unanimous consent, introduced a joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Soldiers; which was read a first and second time.

The joint resolution appoints JAMES S. NEGLEY, of Pennsylvania, a manager of the National Home for Disabled Soldiers in the place of Jay Cooke, of Pennsylvania, resigned.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

### OWNERS OF SCHOONER ADA A. ANDREWS.

On motion of Mr. EAMES, by unanimous consent, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims, and the same was brought before the House for consideration.

The bill provides that the claim of the legal owner or owners of the schooner Ada A. Andrews, her cargo, freight, and personal effects, alleged to have been sunk by collision with the United States vessel of war Ticonderoga on or about the 1st day of May, 1871, be referred to the Court of Claims to hear and determine the same to judgment, with right of appeal as in other cases. No suit is to be brought under the provisions of the act after six months from the date of the passage thereof.

Mr. HOLMAN. Is this a report from a committee?

Mr. EAMES. The passage of the bill is recommended by the Committee on Claims of the House.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### CHANGE OF NAMES OF VESSELS.

Mr. CONGER, by unanimous consent, from the Committee on Commerce, reported back, with the recommendation that it do pass, the bill (H. R. No. 1767) to change the name of the steamboat Kitty Strong.

The bill authorizes the owners of the steamboat Kitty Strong to change the name of said boat to Fanny Ellis, and provides that from and after the passage of the act it shall be entitled to a register by that name.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3211) to change the name of the schooner Delmar.

The bill authorizes the owners of the schooner Delmar to change its name to Addie Henry, and provides that a register be granted in the new name.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

## KENTUCKY AGRICULTURAL AND MECHANICAL ASSOCIATION.

Mr. WILSON, of Iowa. I ask consent to report from the Committee on War Claims, for action at this time, Senate bill No. 375, for the benefit of the Kentucky Agricultural and Mechanical Association.

The SPEAKER. The bill will be read; after which the Chair will ask for objections.

The bill appropriates \$25,000 to the Kentucky Agricultural and Mechanical Association to pay for damages to their fair grounds resulting from their occupancy by United States troops during the late rebellion, said sum having been recommended to be paid by the board of claims and by the Secretary of War.

Mr. HOLMAN. I give notice that after this bill shall have been disposed of I will insist upon the regular order.

The bill was received, read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ORDER OF BUSINESS.

Mr. DAWES. I rise to a privileged report.

Mr. POLAND. I ask the gentleman to yield to me for a moment.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has given notice that he will insist upon the regular order.

Mr. HOLMAN. I do not desire so much to go to business on the Speaker's table as to prevent this indiscriminate legislation that is going on here.

## CONDITION OF ARKANSAS.

Mr. POLAND. On yesterday I reported as I supposed all the testimony taken by the committee in relation to affairs in Arkansas. It turns out, however, that I reported only about one-half of it. I desire now to report the rest of it, and also to ask a vote upon the resolution which I reported yesterday.

The SPEAKER. The Chair had forgotten for the moment that the resolution to which the gentleman refers was taken out of its regular place by a privileged report. That resolution really is now pending. The resolution was as follows:

*Resolved*, That the select committee of the House appointed under a resolution adopted May 27, 1874, to inquire into the disturbed condition of governmental affairs in the State of Arkansas be continued during the recess of Congress, with the same powers conferred by the resolution under which said committee was appointed.

Mr. POLAND. I desire to say simply this: the committee have already taken the testimony of a considerable number of persons from Arkansas—

Mr. ELDREDGE. I object to any debate on this resolution; it is something like the South Carolina case, and I do not want my friend to get into any embarrassed condition.

Mr. POLAND. I have no purpose to.

Mr. ELDREDGE. It takes a great deal more money out of the Treasury than the South Carolina case did. I object to debate.

Mr. HOLMAN. I have no objection to the report being made, but I believe the resolution is not a part of the report.

The SPEAKER. It is; it was reported on yesterday.

Mr. POLAND. The committee have examined a considerable number of witnesses from Arkansas, and have got a general idea of the condition of things in that State. The committee were unanimously of the opinion, the democratic as well as the republican members of it, that it was necessary for the peace and good order of the State of Arkansas that this investigation should be continued during the vacation. So far as I and the other members of the committee are concerned, we have no special desire to go to Arkansas; but we are of the opinion that it is highly important that the committee should be continued during the vacation. I therefore ask a vote.

Mr. COX. I think—

Mr. POLAND. I call for the previous question.

Mr. ELDREDGE. Is this a privileged resolution?

The SPEAKER. It is; and was reported on yesterday and entertained without objection.

The previous question was seconded; upon a division there were ayes 80, noes not counted; and the main question was ordered.

The question was upon adopting the resolution.

Mr. ELDREDGE. We may as well have the yeas and nays on that question.

The yeas and nays were ordered, there being 27 in the affirmative, (more than one-fifth of the last vote.)

The question was taken; and there were—yeas 139, nays 74, not voting 76; as follows:

YEAS—Messrs. Albert, Albright, Barrere, Biery, Bradley, Buffinton, Bundy, Burdard, Burleigh, Burrows, Roderick B. Butler, Cain, Cannon, Cessna, Freeman Clarke, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Foster, Frye, Garfield, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampport, Lawrence, Lawson, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McClary, James W. McDill, MacDougall, Merriam, Monroe, Moore, Morey, Negley, O'Neill, Orth, Packard, Parker, Page, Isaac C. Parker, Pelham, Phillips, Pierce, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, Ross, Rusak, Sawyer, Henry B. Sayler, Seafeld, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheata, Sher-

wood, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Stanard, Starkweather, St. John, Strawbridge, Sypher, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Wheeler, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—139.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Amos Clark, Jr., John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Crittenden, Durham, Eldredge, Field, Giddings, Glover, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hinton, Jewett, Kendall, Knapp, Lamison, Leach, Magee, Marshall, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, James C. Robinson, Sener, Southard, Spear, Sprague, Stone, Storm, Strait, Swann, Vance, Wells, Whitehead, Whitehouse, Whithorne, Charles W. Willard, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—74.

NOT VOTING—Messrs. Atkins, Averill, Banning, Barber, Barry, Bass, Begole, Benjamin F. Butler, Cason, Clayton, Clinton L. Cobb, Creamer, Crocker, Crossland, Danford, Davis, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Robert S. Hale, Hamilton, Harmer, Harrison, Gerry W. Hazelton, Herndon, Hersey, Killinger, Lamar, Lansing, Lewis, Luttrell, Alexander S. McDill, McKunkin, McKee, McLean, McNulta, Mitchell, Myers, Niles, Nunn, Orr, Parsons, Pendleton, Phelps, Pike, Purman, Ransier, Rice, William R. Roberts, James W. Robinson, Milton Sayler, John G. Schunaker, Sheldon, Lazarus D. Shoemaker, H. Boardman Smith, J. Ambler Smith, William A. Smith, Standiford, Stephens, Stowell, Taylor, Charles R. Thomas, Thornburgh, Waddell, Waldron, Wallace, Walls, White, Jeremiah M. Wilson, Wolfe, Wood, and Woodford—76.

So the resolution was adopted.

Mr. POLAND moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

## PAY OF HOUSE EMPLOYÉS.

Mr. HOSKINS. I ask unanimous consent to offer the following resolution:

*Resolved*, That the Clerk of the House of Representatives be, and is hereby, authorized and directed to pay, out of the contingent fund, committee clerks, folders, pages, and other employes of the House for the full month of June, 1874.

Mr. RANDALL. I raise the point of order that the action here proposed requires a law to accomplish it.

## FOLKES &amp; WINSTON.

Mr. WHITEHEAD, by unanimous consent, introduced a bill (H. R. No. 3763) for the relief of Folkes & Winston and others, citizens of Lynchburgh, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## CAPTAIN HUGH HUGHES.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 3764) granting a pension to Captain Hugh Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## MRS. SUSAN McELWAIN.

Mr. MACDOUGALL also, by unanimous consent, introduced a bill (H. R. No. 3765) granting a pension to Mrs. Susan McElwain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## M. S. &amp; W. G. MEPHAM AND A. H. SHAW.

Mr. STANARD, by unanimous consent, introduced a bill (H. R. No. 3766) for the relief of M. S. & W. G. Mepham and A. H. Shaw, of Saint Louis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## TUNNEL THROUGH WHITE-PINE MOUNTAIN.

Mr. McCORMICK, by unanimous consent, introduced a bill (H. R. No. 3767) confirming the right to construct a tunnel through the White-Pine Mountain, State of Nevada, and to purchase public lands contiguous thereto; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

## COLORADO RIVER, ARIZONA.

Mr. McCORMICK also, by unanimous consent, introduced a bill (H. R. No. 3768) for the protection of the banks of the Colorado River at Yuma military depot, Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## SAMUEL H. CANFIELD.

Mr. KELLOGG, by unanimous consent, introduced a bill (H. R. No. 3769) for the relief of Samuel A. Canfield, postmaster at Seymour, Connecticut; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

## WILLIAM H. JOHNSTON.

Mr. RUSK, by unanimous consent, from the Committee on Invalid Pensions, reported back adversely the petition of William H. Johnston, praying for a pension; which was laid on the table, and, with the accompanying report, ordered to be printed.

## CURRENCY.

Mr. DAWES submitted the following report:

The second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate,



and agree to the same, with an amendment, as follows: Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption in sums of \$1,000 or any multiple thereof to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of \$500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks, worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed, and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than \$9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes, which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below \$50,000.

SEC. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 6. That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of \$382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

SEC. 7. That so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of \$55,000,000 shall be withdrawn, to make requisitions upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 8. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be an excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositories, and national-bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.

SEC. 9. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes, without delay, as applications therefor are made, not to exceed the sum of \$55,000,000, to associations organized, or to be organized, in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870; and every association hereafter organized shall be subject to, and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national-bank associations, with the same power to amend, alter, and repeal provided by "the national-bank act": *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed \$55,000,000, and that such circulation shall be withdrawn and redeemed as it shall be necessary to sup-

ply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more than \$30,000,000 shall be withdrawn and redeemed as contemplated during the fiscal year ending June 30, 1875.

And that the title be amended so as to read as follows:

An act fixing the amount of the United States notes, providing for a redistribution of the national-bank currency, and for other purposes.

H. L. DAWES,  
GEO. W. MCGRARY,  
S. S. MARSHALL,

*Managers on the part of the House.*

GEO. G. WRIGHT,  
T. W. FERRY,  
J. W. STEVENSON,

*Managers on the part of the Senate.*

Mr. KASSON. It occurs to me that in the first proviso of the ninth section the words "circulation previously issued to the banks" should have been read "circulation provided to be issued to the banks."

Mr. DAWES. "Previously issued" is correct.

Mr. KASSON. Then I ask some explanation of that provision, because I do not understand it.

Mr. NIBLACK. I trust the gentleman from Massachusetts [Mr. DAWES] will explain briefly the effect of the amendment proposed by the committee of conference.

Mr. DAWES. I do not know how far the House will care to have its time consumed in explanation or discussion upon this matter which has been so much before it during the session. But this is an important bill; and certainly, at least to the extent of enabling the House to understand the difference between this report and others that have preceded it, it is important that it should be explained.

The committee of conference, in addition to that character which pertains to every committee of conference, was a second committee. The matter submitted to it was a bill which had been discussed for a long time in both branches of Congress; had undergone serious amendment as it passed from this branch to the other; had come back to us and after discussion had been referred to a committee of conference representing according to the rules of both branches their respective majorities, and yet commissioned to make such concessions of the views embodied in the two bills of those majorities as the committee felt it within their power to make in a common bill. The report agreed upon, coming here from the other branch, had been submitted here and had failed. Under those circumstances the second committee of conference was appointed, representing, as the Speaker was bound to make it represent, the indicated majority in this House, to meet another committee representing a similar majority in the other branch, to see whether any further concessions or any departure, consistent with the rules, from the position taken by either branch was possible to bring the two branches together. The result is embodied in the report that has been read at the Clerk's desk. This report, I regret to say, does not contain, as did the first committee's report, any provision either for an early resumption of specie payments on the part of the Government or for any retirement under any circumstances of any portion of its issues. Speaking for myself, I say that so far as I am concerned I regret exceedingly that it has been found impossible to bring the two Houses to any such agreement upon an early resumption of specie payments, a corresponding retirement of the United States notes, and a substitution of national-bank currency in their place.

But, sir, a matter which seemed to some of us not only demanded by the public faith and the obligations of the Government, but also which seemed to some of us at least as easy of accomplishment, it has been found by the two Houses themselves as well as by two conference committees to be utterly impossible to bring the two Houses together upon. Therefore, in the forefront of the consideration of this conference committee was the question whether it were impossible to bring them together upon any such question—upon that question which seemed to some of us to be the most vital of all of them, while to others it seemed as impracticable altogether. The question then arose whether the conference committee should be abandoned at that point, or whether it were worth while for a committee to see whether upon some other ground there might be a mutual agreement and concurrence of action in the two branches. And the two main features of the report submitted to the House are the results of that conference. The other features of it are matters which have been passed upon by both branches, and about which up to yesterday no gentleman in either branch, so far as I have observed, has raised any discussion whatever. Therefore, I do not dwell very much on them.

The committee, Mr. Speaker, has addressed itself to the question of fixing the maximum of the United States notes. It is unnecessary for me to call the attention of the House to the difficulties which have existed for a year or more past in reference to the uncertainty which there has been in that regard in the administration of the Treasury Department, and to the evils which have resulted because of that uncertainty in the business community as well as in the operation of our public affairs. One portion of the people and a large portion of the Legislature held it already had been fixed at \$356,000,000. The Treasury Department and the other Departments of the Government held the sum of \$356,000,000 was the minimum amount, and that the maximum sum was \$400,000,000. The \$44,000,000 between these two sums was to remain a floating amount of currency to be held in the hands of one man in Washington, and to be by him put into the column of circulation at his own pleasure or to be by him withdrawn at

his pleasure at any time and under any circumstances which seemed to justify him, whatever might be the distress to the business of the country, or whatever might be the other consequences attending either upon putting it out or taking it in.

This has been the condition of public affairs for the last year or more. This was the condition of public affairs during the late panic which witnessed the spectacle of men already drunk with speculation and staggering about Wall street with the load of their liabilities turning to the Treasury Department of the United States and imploring it to float them over the breakers into some fairer sea by an indefinite issue of a new volume of the currency of the United States. Unless this committee of conference could agree upon something that would put an end to that condition of affairs, it would continue perhaps after the adjournment of Congress indefinitely. Forty-four million dollars of currency were held in the hands, at the will, and at the caprice of one man. It was too great a power to intrust to the hands of one man, however great might be the confidence of the people in the integrity and wisdom of that officer. His whisper would touch the pulse of Wall street as if an electric wire connected his lips with the stock brokers on 'change. With every Bureau of the Treasury Department there was some mysterious communication almost of the unspoken thoughts of the Secretary of the Treasury, some interpretation of his daily walk, if not of his daily utterances, to the exchange of Wall street. There was undue inflation or collapse. Gigantic fortunes were built up or blown down daily in Wall street, affecting throughout the whole country every branch of industry and every enterprise and investment. The committee therefore could not but see they were doing something if they could but put an end to that condition of things. They have in this report agreed to fix a maximum of United States notes at \$382,000,000, which happens to be the sum out, and to fix it in such way that it shall not express an opinion to Congress as to the legality of the issue above \$356,000,000. At the same time we give to the circulation whatever there may be above \$356,000,000 which shall be now out, whether legally out or not. We fix the maximum and give it such character while it is out that it shall not be in the power of any one man hereafter to affect the volume of the currency by putting out or withdrawing any portion of what may be called the reserve. We have fixed the maximum in this report at \$382,000,000, and provided what there is out above \$356,000,000 shall be a part of the circulating medium and shall appear monthly in the statement of the public debt. We have provided that it shall not be considered in the technical language of the Treasury Department as any portion of the Treasury reserve, which means, in the language of that Department, a volume of currency which can be put out or drawn in at the pleasure of the head of the Department.

Mr. MAYNARD. Will the gentleman allow me to address a question to him at this point of his statement?

Mr. DAWES. I would a little rather go through with it without interruption.

That is the first of the two main features of this conference report. The second is of a different character. The repeated discussions and votes in this House and the other branch have determined several things, so far as this Congress is concerned, past all question. One is, after able and exhaustive debate, in the struggle between conflicting opinions, that there shall be no increase of the volume of United States notes—there shall be no addition to them. Equally clear has it been made to appear by the discussions and votes of both branches that they are equally decided that there shall be no further increase of the national-bank currency. Therefore the country knows, so far as this Congress is concerned, that the whole volume of this currency, national and bank-note, is capable of being ascertained in figures, and is a fixed sum for the present. They have also decided by the results of the vote upon the last conference report, if nothing else, that in the present condition of affairs at least free banking is an impossibility. However much many of us or most of us might desire free banking, however I would myself desire it, as I have advocated it here upon this floor, no gentleman, so far as I have heard, has been willing to advocate free banking without certain safeguards thrown around it that shall give it safety and character and worth. Of course there has been a difference of opinion as to what amount of safeguard is absolutely necessary. But no gentleman that I have heard of has advocated the unlimited right of banking in the present condition of affairs without either a redemption of United States notes by the Treasury or a redemption of the bank-notes.

But the House has voted down a conference report that coupled with early resumption the principle of free banking. Therefore the committee found themselves in this position, that the amount of United States notes fixed the amount of national currency. And they found also staring them in the face two other questions. One large section of this country, according to the universal testimony from all quarters of it, is in need of and demands more currency. The other portion of the country has more than its just and equitable share of this bank currency.

The question, then, for us to consider is this: You deny to the country any more national circulation; you deny them free banking. Shall that portion of the country that has got more than its share hold on to that also, and say that the other portion shall not have an equitable distribution of it?

Sir, it was my misfortune in that committee of conference to be the only representative in it of that portion of the country that has more

than its share of the bank-note circulation of the country, while all the other members of that committee of conference represented that portion that had not its share, and was demanding, for what seemed to them the necessities of their portion of the country, more of that currency. I did not deem it to be exactly fair on my part, if I had the power in a committee of six—I did not think that it should come from me, representing those who had more than their share—to say to those who had less than their share, I will neither give you more nor will I let you have that portion which belongs to you and which the section of the country which I represent has.

Mr. HAWLEY, of Connecticut. Will the gentleman allow a question there, or does he propose to allow any debate after he has made his statement?

Mr. DAWES. I will, pretty soon.

I am giving the House the views which led the committee to a unanimous report. I thought, sir, that least of all should opposition to an equitable distribution of this currency come from those who had more than their share. If there was any propriety and just reason against an equitable distribution, it would be more becoming that it should come from other sources than from those who had more than their share. I do not forget, also, that constantly in the debate on this question those representing that section which has more than its share openly proclaimed in both branches of Congress their entire willingness to yield up everything they had of bank-note currency in excess of their share. I had myself so stated. I had heard it from my colleagues and from those representing that section of the country in both branches. I had seen it tendered as an amendment to the pending bill in the other branch from that very section of the country. And under these circumstances I gave in my adhesion to the report which proposed to redistribute \$55,000,000 of about \$80,000,000 which is now retained by a single section of the country more than it is entitled to according to the ratio of wealth and population.

There is one other feature of the bill to which I wish to call attention for a moment. It is that feature of it which releases the reserve on circulation. This provision was in the original bill reported to this House by the Committee on Banking and Currency and was in the last conference report.

Mr. MAYNARD. And in the Senate amendment also.

Mr. DAWES. Yes; and in the Senate amendment also. It had therefore received the sanction of both branches of Congress by very large majorities. It had excited no discussion in the other branch, either in the discussion of the merits of the two bills or in the discussion of the first conference report.

The theory of the banking law more clearly understood shows to the country that there is no occasion or reason on the principles of the banking law for retaining any reserve for the protection of circulation. This agreement has released and put into the volume of the currency a portion of the United States notes now held as a part of the reserve; just how much it is it is a little difficult to determine. It was stated in the debate in the other branch of Congress, when the former conference report upon this subject was before that branch and was disputed nowhere, that it released about \$26,500,000 of United States notes. It releases 2 per cent. on the amount of the United States notes, equal to 2 per cent. on the circulation of all the banks except certain banks in the cities that are required to retain 25 per cent. of their circulation and deposits, and it releases 12½ per cent. of those as nearly as can be calculated. It will release about \$26,500,000 of greenbacks that are locked up in the vaults of the national banks practically. It is not always so. I am informed by experienced bankers that practically it is hardly ever so; so that to the extent that that is not so this will make no practical change in the volume of the circulating medium of the country. But while it thus releases about \$26,500,000, on the other hand this bill takes out of the power of one man \$18,000,000 of United States notes that he cannot only put into the currency when he pleases but can take it out when he pleases, and no man can know whether he has done it or not until he puts his hand upon the pulse of business in Wall street, New York, and in other cities of this country. If this bill passes it will release \$18,000,000 of United States notes now held in the hands of the Secretary of the Treasury, claiming and hitherto exercising the power at the most critical moments, inopportune it may be, depending wholly upon his sagacity, and not only upon his sagacity, but upon the impossibility of improper approach to him or to any one under him, and therefore as between the \$26,000,000 thus practically put into the circulation of the country and \$18,000,000 fixed forever beyond reach, it practically reduces this to only \$8,000,000.

But, further, unless this bill passes there are \$26,000,000 more besides these \$18,000,000—\$44,000,000 in all—that can be made a football, that can be made the plaything of speculators, and can work all the evil consequences that it is in the power of men, by inflating the currency, to work upon the business community. Therefore, sir, whatever objection there may be upon the point that releasing this amount of currency to that extent inflates the volume of the currency, it is to my mind vastly counterbalanced by the \$18,000,000 forever withdrawn and the \$26,000,000 which is practically a part of the currency, being so fixed that it can no longer be withdrawn.

Therefore, sir, I commend this report to the consideration of the House. I commend it particularly to that section of the country that has steadily refused two things—an increase of the volume of the



currency and free banking, and which has at the same time got \$80,000,000 more than its share of the currency. I say to that section of the country, "You cannot afford to stand before the people in the attitude of hesitating whether you will do justice in the distribution of what currency there is if you refuse to make any more." I desire to suggest to them that they are ultimately in the power of the other section of the country which now only demands this equitable distribution and nothing more. I suggest to them that to do equity is the surest way to secure equity.

Mr. MAYNARD. I desire to call the attention of the gentleman from Massachusetts to one or two points. I ask him to examine the sixth section of the bill reported. The last clause of that section reads that "no part thereof"—that is, the \$35,000,000 legal-tender notes—"shall be held or used as a reserve." This word "reserve" occurs twice in this bill, once in the third section where it has reference to the reserve held by the banks. It is used in that sense invariably in the national-bank act, and in all the amendments to that act. This usage of it here is intended, I infer, to mean a very different thing; not the reserve to be held in banks but the reserve to be held in the Treasury. Now the word "reserve" as connected with the \$44,000,000 is not on the statute-book; but the committee use it here. We cannot amend this bill; if we could one or two words would make the matter clear; but I hope the gentleman will take the trouble to put upon the record, in the course of this debate, the sense in which the committee have used the word "reserve" here.

Mr. GARFIELD. Before the question is answered by the gentleman from Massachusetts, [Mr. DAWES,] I would ask if the word "reserve" would exclude the conclusion that the Secretary of the Treasury may not hold the ordinary currency balance in the Treasury? For instance, every month when the books are made up and a statement of the condition of the Treasury is prepared, there is reported so much gold in the Treasury and so much currency. In a proper sense of the term that is a reserve. I know that is not what the gentleman from Tennessee [Mr. MAYNARD] means, but it is a proper meaning of the word. It is a reserve fund which we hold on hand in the Treasury.

Mr. DAWES. I agree with both the gentlemen. The proper meaning of the word "reserve" is just what the gentleman from Tennessee [Mr. MAYNARD] says it is. And that is a proper use of the word "reserve" which the gentleman from Ohio [Mr. GARFIELD] makes of it. But the Treasury Department has a term which it applies to the legal-tender notes over and above \$356,000,000; it appears in their official report, and they apply it to that very sum. There is a law which fixes the sum of \$356,000,000 as the limit of the legal-tender currency. To all above that amount the Treasury Department applies the term "reserve." We have thought it best to take away that quality and that only from the amount above \$356,000,000, to which the Treasury Department has seen fit to apply the term "reserve." They claim that that amount they can hold and not be required to account for it as a part of the public debt, but whenever in their opinion the exigency of the Treasury or of the public requires it they can put it into circulation or take it back. It is that meaning of the word "reserve" attached by the Treasury Department and applied by the Treasury Department to the \$44,000,000 that the committee of conference have sought to take away.

Mr. MAYNARD. It has no reference to the reserve held by the banks?

Mr. DAWES. Not at all.

Mr. NIBLACK. I have been unable to hear distinctly all that the gentleman from Massachusetts has said. But if I understood him correctly, the proposed amendment to the national banking law included in this conference report does not increase the aggregate of the bank circulation, but simply redistributes it.

Mr. DAWES. That is all.

Mr. NIBLACK. I am very glad to hear it. While I have been unwilling to vote to increase the aggregate amount of national-bank circulation, I am very glad to have the opportunity to redistribute the present volume of the currency.

Mr. BURCHARD. I desire to ask the gentleman if, under the sixth section of the bill reported by the committee of conference, the Secretary of the Treasury would have the power to retire or cancel any portion of the \$382,000,000 of legal-tenders, to reduce what is called the reserve down to the limit of \$356,000,000?

Mr. DAWES. If he does so, I do not see how it can be continued as a part of the circulation.

Mr. BURCHARD. The language is "the amount outstanding and to be used shall not exceed \$382,000,000."

Mr. MERRIAM. Is it the intention of the committee of conference that the amount shall not be decreased without further authority of law?

Mr. DAWES. It is the intention of the committee to use language that shall make the portion of what has been called the reserve and which is now outstanding just exactly as much a part of the circulation as is the \$356,000,000. But we have used this language because a portion of the committee believed that the only legal limit was \$356,000,000, but they were willing to say that it should not exceed \$382,000,000 because the \$382,000,000 was already out, and even if it was in our power it was too late to reduce the amount to \$356,000,000.

Mr. MERRIAM. One other question, and that is, can any portion of the \$382,000,000 be used in the current expenses of the Treasury?

Mr. DAWES. I think if the Secretary of the Treasury has it there can be no objection to his using it.

Mr. MARSHALL. I desire to say something upon this report, but I prefer to have the floor in my own right.

Mr. DAWES. In that case, then, I will yield five minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. I had not thought at all of speaking upon this report, and had intended to give only a silent vote against it. But the remarks of the gentleman from Massachusetts [Mr. DAWES] have led me to believe that it would be wise, or whether wise or not, at least it would be satisfactory, to say a word or two. There was running all through his remarks, if not the charge, at least the intimation that there is or there might be some selfish purpose on the part of New Englanders to hold on to their present volume of the bank circulation and refuse to yield any portion of it. He gave as an apology for voting for this bill the reason that as a New Englander he could not take the ground that the currency should not be redistributed.

Mr. DAWES. Not as an apology.

Mr. HAWLEY, of Connecticut. Not as an apology; then we may take it for granted that he is proud of his bill. Let him go with that to Massachusetts. Now I wish to say as a New Englander, and one representing a banking center, that I am willing to vote for the \$55,000,000 redistribution clause. And if the gentleman from Iowa [Mr. KASSON] had not offered his \$25,000,000 redistribution bill as he did, and if I had not relied upon him Monday after Monday to press his bill to a vote, I should myself have brought it forward and asked the action of the House upon it.

Mr. HUBBELL. I desire to say—

Mr. HAWLEY, of Connecticut. Not a word; I do not yield; let me alone. I take the floor without interruption; I have only five minutes anyhow. I say as a New Englander, coming from a section where there is a large number of banks, that you are perfectly at liberty this moment to take away from us all the national-bank currency that may be necessary to equalize the circulation; if the amount be twenty-five millions, say so; if \$40,000,000, say so; if \$55,000,000, say so. But I will not vote for any measure which increases the volume of irredeemable paper currency, or while leaving it nominally as it now is, increases the volume of currency in actual use and therefore expands prices and broadens the margin between paper and gold, and to that extent postpones, and perhaps indefinitely postpones, the day of resumption. I will vote for any measure necessary to equalize the circulation.

The gentleman says (and this brings me to my second point) that the reserve for circulation is not needed, and therefore this bill releases the banks from all responsibility, from all requirement to keep any reserve for circulation. If then that reserve be unnecessary this is a very admirable opportunity to take back so much of an irredeemable paper currency, to take it out of the world, to burn it up. This is the opportunity the gentleman should have seen in this—not an opportunity to release \$70,000,000 of paper to enter into business and inflate prices. If that reserve be not needed in the banks as a reserve against the circulation, retire it, fund it, get rid of it, that we may approach the day of resumption.

One more point. As to the \$26,000,000 of the Treasury reserve, I hold, with a great many very able lawyers whom I humbly follow, that that \$26,000,000 was issued without any authority of law or Constitution. I believe that the limit of the legal-tenders was three hundred and fifty-six millions, and that the issue of one dollar after we got down to that limit was unconstitutional. The President and the Secretary of the Treasury only used this amount as a reserve, holding it to be their duty, when the emergency had passed, to return again to the legal limit of \$356,000,000. I think I state correctly the position of the Administration. I would then return as soon as possible to that limit, and not allow this twenty-six millions to be out. It has been wrongly out, and neither the President nor the Secretary of the Treasury has asked that it should be kept out permanently. But now it is proposed to take advantage of a transient emergency to continue permanently as a part of the legal-tender circulation that twenty-six millions, which course I believe to be not only in violation of sound financial principles but of the Constitution.

I cannot vote for this bill. I am anxious to attain a satisfactory, reasonable settlement on this question. I am willing you should take from the New England banks every dollar that may be necessary to equalize the distribution of the currency. But I will not vote for any measure that expands the volume of the irredeemable paper currency. Gentlemen of all parties, you have got to come to this doctrine, just as sure as grass grows and water runs.

Mr. KELLEY. No, sir; the gentleman has got to abandon his doctrine.

Mr. DAWES. I now yield to the gentleman from Maine, [Mr. HALE.]

Mr. HALE, of Maine. Mr. Speaker, I am, like the gentleman from Connecticut, [Mr. HAWLEY,] willing to vote for a redistribution of the banking currency of the country, knowing as he does that a portion of it will be taken from that part of the country where we both reside. But I go farther than he does. I am not only willing to vote for it as an abstract proposition of fairness, but I am going to vote for this bill. The difference between him and me is that he is in

favor of a redistribution of the currency when the question is not up and cannot be voted for, while I in a spirit of fairness—

Mr. HAWLEY, of Connecticut. That is an unjust and ungentlemanly insinuation. [The Speaker rapped to order.]

Mr. HALE, of Maine. Mr. Speaker, I have been here too long to be—

Mr. HAWLEY, of Connecticut. I insist, sir, that the remark just made by the gentleman is a dishonorable insinuation.

Mr. MAYNARD. I call the gentleman from Connecticut to order, and ask that his words be taken down.

The SPEAKER. The words were entirely unparliamentary.

Mr. HALE, of Maine. Whose words?

The SPEAKER. The language of the gentleman from Connecticut was altogether unparliamentary.

Mr. HAWLEY, of Connecticut. So far as my words may have been of an unparliamentary character, I cheerfully withdraw them.

Mr. HALE, of Maine. I have been here too long to be scolded down by the gentleman from Connecticut.

The SPEAKER. The gentleman from Connecticut was entirely out of order.

Mr. HALE, of Maine. I was saying, and I repeat for the benefit of the gentleman from Connecticut, that he is in favor of a redistribution of the currency when the question is not up, but he has just declared that he will not vote for it when it is up, while I am in favor of it and will vote for it when an opportunity occurs. I will do it, as I believe, in a spirit of fairness and concession to other sections of the country. Though I do not believe in the doctrines which are generally supposed to prevail in that section upon questions affecting the currency, yet I concede the honesty of such views with the men who entertain them, and I am willing to concede redistribution.

Mr. SHANKS. In other words, on this proposition the gentleman admits of our being honest but not very sensible.

Mr. HALE, of Maine. I am speaking of the general sentiment tending to inflation, in which I do not join. Now, sir, I am all the more willing to vote for this bill because as an eastern man I believe that the danger of inflation pure and simple has passed away. The action of this Congress, in this House, in the Senate, and in the conference committees, together with the action of the Executive, makes it plain that the danger of the exercise of what I believe to be a pernicious power on the part of Congress, that of swelling the volume of the greenback currency in time of peace, is I hope a thing of the past. I do not believe it will come up again dangerously. I give more weight to the result of the battle fought here this winter. In holding the position of opposition to inflation here and elsewhere the gentlemen who have represented me in sentiment [I have not myself talked much on the matter] admitted that at present the banking currency is not distributed according to the wealth, business, and population of the country, and that we should allow it to be taken by the West to the extent of its share whenever the West wants it. We never until to-day have had an opportunity to carry out what we have said—what we have promised. This is the first opportunity, and I embrace it. I am not afraid, sir, as an eastern man to go home to my constituents in Maine or anywhere else in New England if need be, and to stand by this proposition. As explained by the gentleman from Massachusetts [Mr. DAWES] there is no real inflation in it. That being so, I abandon no principle in my vote.

I wish, as does the gentleman from Massachusetts, [Mr. DAWES,] that the committee of conference could have agreed to put on the clause here fixing resumption at some early day. But I am free to say on this, as on the matter of inflation pure and simple, I am more hopeful as to the future than some other gentlemen. I believe that question of resumption will in a large degree take care of itself. If gentlemen from the West will pardon me for an expression of opinion upon the sentiment of a people whom they know more about than I do, I believe that in the hearts of the American people East and West the proposition of as early resumption as is practicable is favored. I wish we had it here in the bill, but as it is absent the people must take care that it be not long postponed. It is a proposition that I predict will grow in favor. To me it is clear that all sentiment tending in any way to a lowering of our currency or our national credit has seen its high-water mark. So we can be generous. The least we can do as eastern men is to give to the West the opportunity to take their share of the banking currency. Their business demands it. It is something to escape the reproach of selfishness, whether that reproach is warranted or not.

Mr. DAWES. I now yield to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. Mr. Speaker, though this bill will take some of the banking currency from the State which I have the honor in part to represent, I shall vote for it and will do it cheerfully. It does not propose to retire any of the greenbacks or to fix arbitrarily a day for the resumption of specie payment. It does not, it is true, add to the volume of currency, but it does open a way for the use of that which is now uselessly locked up in bank vaults or is put into circulation fraudulently and illegally.

What I desire to say is that I protest against the assertion of the gentleman from Connecticut [Mr. HAWLEY] that we will have to come through contraction to his hard-money doctrine, and that of the gentleman from Maine [Mr. HALE] that the demand for more cur-

rency and a system which will give elasticity to our fixed and inelastic currency has been silenced and will never again be heard, and in the name of the Center, the West, and the South, with which the power of empire dwells, to give notice and assurance that from session to session and from election to election the issue will be made until the Government shall be found to reside in the will of the whole people and not in that of the small fraction of the people who reside east of the Hudson and in the minor money centers of the country.

[Mr. MARSHALL addressed the House. His remarks will appear in the Appendix.]

Mr. RANDALL. Mr. Speaker, I have heretofore, as a member of the Committee on Banking and Currency, found myself unable to support, either in committee or in this House, any bill on this subject that has emanated from that source, because there has not yet been such a bill that did not propose to extend and increase what I consider the great evil of the hour, the banking system; and every one of these bills has had the additional objection that while increasing the issue of circulation to the national banking associations, and thus enlarging the profits of a favored few, it took care to diminish the greenbacks and substitute an interest-bearing indebtedness of the Government.

Now, sir, there are three features in this bill which especially commend themselves to me and which will induce me to support it. I wish there could have been added another feature that I very much desire, the fixing of a time for resumption.

The first feature which commands my approval is that which provides for doing away with the reserves of the banks upon their circulation. I have never yet been able to see any reason for those reserves. We have behind the national-bank circulation bonds, the market value of which to-day averages, I believe, one hundred and fifteen to one hundred dollars of face value. There is no authority of law to issue as banking circulation more than 90 per cent. of the face value of those bonds. Therefore the people who in the course of business are obliged to take the national-bank notes have at this time a margin of 25 per cent. to protect them in case of the failure of any bank.

The next feature of the bill which I heartily commend is the provision for settling at once the volume of greenback currency at \$382,000,000. I, like the gentleman from Illinois, [Mr. MARSHALL,] have uniformly denied the right of the Secretary of the Treasury either to increase or to diminish the volume of the greenback circulation; and that provision of this bill which recommends it to me more perhaps even than the redistribution feature is the clause taking away from any Secretary of the Treasury the power, (through misjudgment if he be honest or from interested motives if he be dishonest,) to change the volume of the currency according to his judgment or caprice.

I now come to the third feature of this bill—the provision for a redistribution of the national banking currency. I have stood here voting and speaking steadfastly against any increase of the volume of the currency, either the national-bank issues or the greenbacks. There is no increase of either description of circulation in this bill. The amount of greenbacks and the amount of national banking association circulation continue the same as now. The allegation that this bill is inflation has no force or truth whatever. But while this has been my position, I have said to gentlemen on all sides that whenever they would give me the chance I would vote for an honest redistribution of the banking circulation throughout the country. I have been sincere in those declarations, and I mean to be sincere in my vote to-day. No reason in the world can be presented to this House or the country why one section of the nation should have an advantage in respect to the national-bank circulation over another section. Under the distribution which we have had heretofore New England, New York, and my own State have for a long time had an undue proportion of this circulation, with the profits accruing therefrom, while the South has languished and the West has been unable to secure the facilities which would transport her crops to the seaboard. I maintain that no just man can deny to the South and the West this redistribution. More than that, I believe that great good will result from it. The South will have facilities for banking, and she will bloom and blossom as of old. The West will once more be satisfied as to the amount of her banking circulation and her money facilities, and she will again prosper. So that in the future we shall have nothing to do but to fix a day of resumption, when the greenback shall be the equal of gold and when the bank-note shall be the representative of the greenback.

#### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873;

An act (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers;

An act (H. R. No. 886) to provide for the election of Congressmen at large for the State of Alabama;

An act (H. R. No. 1691) for the relief of Thomas Ridgway;

An act (H. R. No. 2064) making appropriations for the legislative,



executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 2395) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2463) for the relief of Joseph S. Read;

An act (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed;

An act (H. R. No. 3166) to correct the date of commission of certain officers of the Army;

An act (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;"

An act (H. R. No. 311) for the relief of William J. McIntyre;

An act (H. R. No. 950) for the relief of Robert Sutherland;

An act (H. R. No. 1108) for the relief of Alfred Fry;

An act (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment Wisconsin Volunteers;

An act (H. R. No. 1773) for the relief of Samuel E. Rankin;

An act (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry;

An act (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

An act (H. R. No. 2698) for the relief of Joseph C. Breckinridge for services in the Army of the United States;

An act (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers;

An act (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers; and

An act (H. R. No. 546) for the relief of William B. Morgan.

#### THE CURRENCY.

The House resumed the consideration of the report of the committee of conference on the currency question.

Mr. MARSHALL. I now yield for five minutes to the gentleman from New York, [Mr. Cox.]

Mr. COX. Mr. Speaker, a great part of this bill is broth or froth. There is no strong meat in it for anybody. I do not think such a measure ought to pass. It will give no substantial relief.

Indeed my honored friend from Illinois, [Mr. MARSHALL,] under whose pleasant courtesy I speak, has told you that this is no final settlement. It is only an expedient. It is a mere make-shift. It is poor, pitiful, impotent, unprincipled patch-work. I will not vote for it.

I will vote in favor of no proposition until I see something which is based upon solid sense and definite principle. My principle is laid down in our party platforms of 1872. Your republican platform is before me. It was adopted at Philadelphia in 1872; and it "confidently expected our excellent national currency will be protected by a speedy resumption of specie payment!" O! O! How good and smooth! and yet how delusive!

The democratic platform was adopted in July, 1872. It declared the ineradicable, traditional, economical, rational, and constitutional sentiment of the grand party of the past and future. What does it say? "A speedy return to specie payment is demanded alike by the highest considerations of commercial morality and honest government." Where are ye, platform manufacturers? Where is your "commercial morality?" Where is your "honest government?" Who are the leaders? Where are the leaders of our brave and honest party? Where are they? Who is about me to display the honest banner? These are not declarations by one party. They are by both parties. O, my Christian brethren! O, my democratic brethren! What chances you are missing! What opportunities you will hereafter regret not to have improved! Where is the honesty and morality that chinks and rings in the sterling talk and thought of our early representative men? It is not merely a question of paying your debts and avoiding repudiation. It is a question of constitutional and Federal honor. It concerns the very architects of our splendid fabric of government. How proud I am to be in a minority with the best of our early men and the sage men of our present day.

Mr. Speaker, why do you dabble here by this bill with the reserves and call it economy, when it is nothing but inflation? You wish to drink more for the luxury of being bloated. Why not, if you will have a bloot—why not do it with a square drink? May I refer to what my friend from Illinois has just said here? He would release just so much as is now tied up. He would not have inflation. O, no! but he would only release it for the present. Why, sir, we have a money glut now in New York and elsewhere. Bring your produce and values to New York, and you can get the money. If you want to indulge in real inflation, why whip the evil about the impediment? Take an honest inspiration, instead of indulging a vicious decoction, made up at the tail-end of the session for the mere purpose of saving your republican party from the charge of utter incompetency to deal with this paramount question.

The five minutes which I have will not suffice to show the partisan aspect of this measure. We are all partisan in one sense; but so long as we pretend to make platforms and keep up party discipline, so long

will it be just and best to practice sincerity or repudiate our resolves. There are, I fear, however, two parties in trouble on this question. I do not see voting with me here democratic members from Ohio and other Western States, those old-time, hard-money, constitutional democrats with whom I was raised. Where are they now? Wherever they are, for one I shall give no vote for any measure which postpones gold and silver as a standard. I believe the time will come, under Providence, for speedy resumption. Labor will demand it. Commerce and agriculture will revolutionize for it. There is no power under heaven among men to give stability to business and society except we march toward gold and silver!

[Mr. MARSHALL again addressed the House. His remarks will appear in the Appendix.]

Mr. POTTER. I have asked the gentleman from Illinois for a minute in order to say, in the first place, I approve the conference report so far as it provides for a redistribution of the national banking circulation; and secondly, I favor that feature of it which restrains the power of the Secretary of the Treasury in respect of the issue of Treasury notes. I regret, however, that the general direction of the report is such that I am not able to cast my vote for it.

Mr. MARSHALL. I now yield for five minutes to my friend from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. Mr. Speaker, the leading features of this measure are in striking contrast to the bills which have been heretofore considered by both branches of Congress during this session. The former measures, all of them, led to and contemplated a reduction of the legal-tender circulation, and at the same time to an increase of the issues of the national banks. The main object of those measures seemed to be to secure an early retirement of the greenback currency, the lawful money of the country, by funding the same in interest-bearing bonds, and to substitute in its place national-bank notes. Believing as I do that the high prerogative and enormous profits of issuing paper money belong to the whole people, I could not give those measures my support.

From the beginning of this session of Congress there has been a persistent determination of the national banks to drive out the legal-tender money and enlarge their already enormous wealth by monopolizing the exclusive right to furnish the money of the country. The addition of \$356,000,000 to their wealth was no small motive to the banks to exercise their almost irresistible power in our legislation. They were not, it is true, satisfied with the bill that went to the President, for while it increased their capital \$46,000,000 it left the greenbacks in the field, but in every succeeding measure they secured the fundamental concession that their notes should supersede greenbacks and that the burdens of the people should be increased by funding the greenbacks in interest-bearing bonds. No partial victory was sufficient; nothing less than an absolute monopoly of issuing money would satisfy the capitalists, who in the main dictate the enactment of our laws. But the temper of the people would not submit to this. The retirement of the greenbacks for the benefit of the banks would add nearly \$20,000,000 a year in gold to the burdens of the tax-payers of the country. We approach the hour when the Representative must meet his constituents. And the pending measure is in striking contrast with its predecessors. It neither adds \$46,000,000 to the bank capital, as the first bill did, nor does it almost double the wealth of the bondholders, as the so-called free-bank bill proposed, by issuing bank-notes and funding the greenbacks in gold interest-bearing and non-taxable bonds.

This measure has at least the merit, whatever else may be said against it, of actually increasing in its practical effect the volume of the legal-tender currency of the country. It will do it to the extent of at least \$26,000,000, for in the absence of this legislation it is now well known that the moment the finances of the country would admit of it the greenbacks would be reduced from \$382,000,000 to \$356,000,000, and this bill prohibits that \$26,000,000 being held by the Secretary of the Treasury as a reserve.

In addition to this the greenbacks held by the national banks as a reserve for the redemption of their notes are released by this bill and will enter into the circulation. The absurdity of this reserve of greenbacks to redeem national-bank notes is too manifest, as the faith of the nation and the wealth and honor of the whole people are alike pledged for the bankers' notes and the legal-tenders, the only difference being that the bankers' notes are issued for the benefit of the bankers at the expense of the people, and the legal-tenders are issued for the benefit of the whole people.

The bank reserve, as has been well shown, is without any merit whatever. It is and always has been a mere pretense, and yet it has reduced the actual amount of currency without in any degree increasing the security of the issues of the national banks. The faith of the nation secures that. This bill, then, does not enlarge either the power or the capital or the currency of the national banks. That is a feature which specially commends the measure to my judgment, and I believe will commend it to the country. I do not believe the people of the West desire to enlarge the power nor the currency of the national banks. They would enlarge the volume of their own lawful money. But this bill in another feature is an act of common justice to the West and the South in the partial equalization of the national-bank capital. If the equalization of this capital was complete \$80,000,000 would be withdrawn from the money centers of the East and given to the West and South. This bill withdraws \$55,000,000 of this bank capi-

tal from the East and gives it to the West and South. This neither increases the power, capital, nor circulation of the banks. It is but a temporary measure looking to the early future when in answer to the demands of the just public sentiment of the country the national-bank currency shall be retired and the money, the profits and benefits of which inure to the whole people—greenbacks—shall be substituted in its place. This, sir, would be a great victory for equal rights and justice for the people over the power of capital.

The gentleman from New York, and other gentlemen representing great commercial centers naturally resist this bill. For so far as the national-bank system is concerned, as has been well shown and seen, the effect of the bank system is to centralize your currency at the commercial centers. New York, of course, will have money to loan at 3½ and 4 per cent. And why? Because the national-bank system, with all its centralizing agencies extending through the whole country, concentrates there the wealth and currency of the nation. I will without hesitation give this bill my support.

Mr. STORM. How does this bill prevent it?

Mr. HOLMAN. Under the provisions of this bill there will be manifestly less of this centralizing power than under the present system of reserves, which by existing law is held at the money centers. But the great measure of justice is yet to be secured, the substitution of greenbacks for the national-bank paper and reducing the burdens of the public debt at least \$20,000,000 a year, and giving to the whole people the wealth that capital now monopolizes to itself.

[Here the hammer fell.]

Mr. O'BRIEN. Mr. Speaker, in all the votes that I have cast on the currency question during this Congress I have steadily adhered to the principle that gold is the only legitimate money, and the only safe money to secure the prosperity of the country and maintain unsullied its honor and integrity; that since, as a relic of the war, we are compelled to use an irredeemable paper currency, it is absolutely necessary that its volume should not be expanded, if we are to look forward to a return to specie. While I sympathize with the sufferings of the West and South from the paralysis of industry that prevails throughout the country, I do not believe that a further debasement and expansion of currency will afford them substantial relief. Expansion will not aid the industrial classes; it is only a concession to speculation and the profits of capital.

The prostrate condition of the country is rather owing to the misgovernment of the ruling party, and relief can only be obtained by economy in public administration and integrity and good faith in official life. This bill is a further prop to the national banking interest, which is the most gigantic monopoly known to any country. Before its stature every interest dwindles into insignificance. It is the stronghold of capital, and so long as it maintains its financial power, labor and industry will remain prostrate. I favor the redistribution of the currency, but this conference measure, while it gives that sop to Cerberus, postpones indefinitely the return to specie, and overrides the law which fixed the volume of the legal-tender currency at \$356,000,000. I will vote against it, and look forward to a triumph of the democratic party as the only harbinger and guarantee to the people of a return to the sound financial policy of free banking based on gold and silver coin.

[Mr. KELLOGG addressed the House. His remarks will appear in the Appendix.]

Mr. MAYNARD. I shall vote for this report. It contains beneficial provisions, in my judgment, but at the same time I accept the statement of the gentleman from Illinois [Mr. MARSHALL] that it is not a settlement of the question.

The settlement of this question of the currency will have one of two results: free banking on the one hand, or else the annihilation of the present national-bank system. That is the alternative that is before us, and I beg gentlemen to bear that in mind in all their action upon the currency question.

And now, in conclusion, if I can be allowed to say a word to my friend from Connecticut, [Mr. KELLOGG,] I would say that he reminds me of a medical friend of mine who once had a favorite nurse who was noted for never denying his patients anything, but he always coupled his compliance with the condition "not just now, for the doctor thinks it would not be good for you at present."

Mr. KELLOGG. That is just right; you need just such a nurse.

The previous question was seconded and the main question ordered. Mr. MAYNARD. I call for the yeas and nays on agreeing to the report of the committee of conference.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 40, not voting 28; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barrere, Barry, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, Cesena, Amos Clark, Jr., John B. Clark, Jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crittenden, Crossland, Crouse, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Eldredge, Field, Fort, Foster, Frye, Gardfield, Glover, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Hodges, Holman, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Knapp, Lamar, Lamson, Lamport, Lansing, Lawrence, Leach, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Marshall, Martin, Maynard, McCrary, James W. McDill, MacDougall,

McJunkin, McKee, Merriam, Milliken, Mills, Monroe, Moore, Morey, Morrison, Neal, Negley, Niblack, Niles, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Perry, Phillips, Pike, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Isaac W. Scudder, Sener, Sessiona, Shanks, Sheata, Sheldon, Sherwood, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Sprague, Standard, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Tyner, Vance, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whiteley, Whitthorne, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—221.

NAYS—Messrs. Archer, Barnum, Bass, Bromberg, Buffinton, Cox, Crooke, Eames, Giddings, Hamilton, Joseph R. Hawley, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Kellogg, Kendall, Lawson, Luttrell, Magee, McLean, Nesmith, O'Brien, Page, Hosea W. Parker, Pendleton, Phelps, Pierce, Potter, John G. Schumaker, Scofield, Henry J. Scudder, Smart, Storm, Swann, Townsend, Whitehouse, Charles W. Willard, and Woodford—40.

NOT VOTING—Messrs. Cain, Clayton, Crocker, DeWitt, Eden, Elliott, Farwell, Freeman, Robert S. Hale, Harmer, Hersey, Killinger, Alexander S. McDill, McNulta, Mitchell, Myers, Nunn, Poland, Purman, William R. Roberts, Lazarus D. Shoemaker, William A. Smith, Stephens, Taylor, Waddell, Walls, Ephraim K. Wilson, and Wood—28.

So the report of the committee of conference was agreed to.

During the roll-call the following announcements were made:

Mr. BUTLER, of Massachusetts, (when his name was called.) I vote "ay" with a mental reservation.

Mr. HAZELTON, of Wisconsin. I am requested to state that my colleague, Mr. McDILL, is confined to his room by illness. If present he would vote for this report.

Mr. POLAND. Mr. Speaker, upon this question I have not voted. Upon questions affecting legislation in regard to national banks generally I have felt entitled to vote, although the president of a national bank and a stockholder in it. This bill provides for taking away a portion of the circulation of certain banks, of which the bank with which I am connected will be one. I have therefore felt that I am personally interested in this question, so much so as to come within the rule, and I do not vote.

Mr. ALBRIGHT. I desire to state that my colleague, Mr. SHOEMAKER, is absent on account of a death in his family; if present he would vote "ay."

The result of the vote was then announced as above recorded.

Mr. DAWES moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### IMPEACHMENT OF JUDGE BUSTEED.

Mr. WILSON, of Indiana, by unanimous consent, from the Committee on the Judiciary, submitted a report and resolutions in the matter of the impeachment of Richard Busteed, judge of the district court of the United States for the district of Alabama; which was recommended to the committee, and ordered to be printed.

Mr. CESSNA also, by unanimous consent, submitted the views of the minority of the committee; which were ordered to be printed.

#### IMPEACHMENT OF JUDGE STORY, OF ARKANSAS.

Mr. CESSNA. I ask unanimous consent to submit the following resolution:

*Resolved*, That the Clerk of the House of Representatives be directed to furnish to the Attorney-General, the Secretary of the Treasury, the Third Auditor and the First Comptroller of the Treasury copies of the evidence taken by the Judiciary Committee of the House in the matter of the impeachment of Hon. William Story, judge of the United States court for the western district of Arkansas, for their information and guidance, with the recommendation, that such action be taken by the said Departments as will restore to the Treasury of the United States any moneys wrongfully paid to any of the officers of said court, and to prevent any such wrongful payments hereafter.

Mr. SENER. I desire to move an amendment to this resolution.

Mr. CESSNA. I will hear it read.

Mr. SENER. I move to insert after the word "Arkansas" these words:

And also to each of said officers a copy of the testimony taken before the Committee on Expenditures in the Department of Justice as to the expenses, disbursements, and general management of the western district of Arkansas, since July, 1870.

Mr. CESSNA. I have no objection to that amendment.

The amendment was agreed to; and the resolution, as amended, was adopted.

#### LOUISIANA CONTESTED-ELECTION CASES.

Mr. LAMAR, from the Committee on Elections, reported the following preamble and resolution; which were read, considered, and adopted:

Whereas it is necessary to a proper determination of the several contests from the congressional districts of Louisiana, now pending in the House, that the Committee on Elections should be in possession of the original election returns of the general election held in that State on the 4th day of November, 1872; and whereas those returns are said to be in the possession of John McEnery, and said McEnery being unwilling to produce said returns except upon order of said committee: Therefore,

*Be it resolved by this House*, That a subpoena duces tecum be issued to said McEnery, requiring him to produce in person before said committee said election returns on or before the first Monday in December, 1874; and also that subpoenas be issued to Archibald Mitchell and William Warper, of New Orleans, requiring them to be and appear before said Committee on Elections on the first Monday in December, A. D. 1874.



## ELECTION CONTEST—BELL VS. SNYDER.

Mr. CROSSLAND. I am instructed by the Committee on Elections to report the following resolution for action at this time:

*Resolved*, That the contestant, M. S. Bell, in the contested-election case from the second congressional district of Arkansas, be allowed thirty days after the adjournment of the present session of the Forty-third Congress, without further amending his notice of contest, to take further testimony in reference to the vote of Hempstead and Hot Spring Counties; and the contestee, O. P. Snyder, shall have twenty days after the expiration of the said thirty days allowed the contestant, to take testimony by rebuttal in relation to the vote in said two counties, this testimony to be taken on ten days' notice served on the parties respectively.

Mr. HAZELTON, of Wisconsin. In my judgment that resolution should not pass. On behalf of the minority I protest against its passage, and ask for the yeas and nays on it.

The SPEAKER. The resolution cannot be received except by unanimous consent.

Mr. HAZELTON, of Wisconsin. Then I object.

The SPEAKER. The resolution will not be received.

## BONDS OF THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States:

*To the Senate and House of Representatives:*

I respectfully invite the attention of Congress to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes." Provision is therein made for the payment of the debts of the District in bonds to be issued by the sinking-fund commissioners, running fifty years and bearing interest at the rate of 3.65 per cent. per annum, with the payment of the principal and interest guaranteed by the United States.

The government by which these debts were created is abolished, and no other provision seems to be made for their payment. Judging from the transactions in other bonds, there are good grounds, in my opinion, for the apprehension that bonds bearing this rate of interest when issued will be worth much less than their equivalent in the current money of the United States. This appears to me to be unjust to those to whom these bonds are to be paid, and to the extent of the difference between their face and real value, looks like repudiating the debts of the District. My opinion is that to require creditors of the District of Columbia to receive these bonds at par when it is apparent that to be converted into money they must be sold at a large discount, will not only prove greatly injurious to the credit of the District, but will reflect unfavorably upon the credit and good faith of the United States.

I would recommend, therefore, that provision be made at the present session of Congress to increase the interest upon these bonds, so that when sold they will bring an equivalent in money, and that the Secretary of the Treasury be authorized to negotiate the sale of these bonds at not less than par and pay the proceeds thereof to those who may be ascertained to have valid claims against the District of Columbia.

U. S. GRANT.

EXECUTIVE MANSION,  
Washington, June 20, 1874.

Mr. KASSON. Is the bill referred to in the message returned to the House?

The SPEAKER. It is not.

Mr. WILSON, of Indiana. I move that the message be printed and referred to the Joint Select Committee on the Affairs of the District of Columbia.

The motion was agreed to.

## REPORT ON VIENNA COMMISSION.

Mr. DONNAN. I report from the Committee on Printing the following resolution:

*Resolved by the House of Representatives, (the Senate concurring.)* That of the reports of the United States commissioners to the Vienna exposition, there shall be printed, under the direction of the Secretary of State, four thousand copies for the House, two thousand copies for the Senate, and one thousand copies for the Secretary of State.

Mr. HOLMAN. This large increase of public documents of course indicates very clearly—

The SPEAKER. If the gentleman objects the resolution cannot be entertained.

Mr. HOLMAN. I object.

Mr. DONNAN. Does a single objection prevent the resolution from being reported?

The SPEAKER. It does. The House is acting under a suspension of the rules on business upon the Speaker's table, and anything else must be by unanimous consent or of higher privilege.

## ASSISTANT DISBURSING CLERK.

Mr. ARCHER, by unanimous consent, reported from the Committee on Accounts the following resolution; which was read, considered, and agreed to:

*Resolved*, That the salary of the assistant disbursing-clerk of the House be fixed at the same rate with the assistant Journal clerk, and that the Committee on Appropriations provide for the payment of the same.

## INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian service for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 19, 51, 52, 60, 61, 64, 82, 83, 97, 99, 100, 101, 113, 117, 118, and 123.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 28, 30, 45, 47, 50, 53, 54, 55, 56, 57, 58, 59, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 84, 86, 94, 95, 96, 102, 104, 105, 106, 108, 111, 115, 116, and 120, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendments of the Senate numbered 79, 80, 91, 114, and agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same, with an amendment inserting "76" in lieu of "77;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 41 and 42, and agree to the same with amendments as follows: insert "47" in lieu of "41" and "29" in lieu of "36;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: In lieu of "35,000" insert "33,900;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 44, and agree to the same with an amendment as follows: In lieu of "40" insert "30;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 46 and 48, and agree to the same with an amendment as follows: In lieu of "5" insert "4," and strike out of the text of the bill the words "and fifty" where they occur the first time in the amended paragraph, and in lieu of "709" insert "550;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment as follows: Strike out of the text of the amended paragraph the words "estimated at eighteen hundred souls;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 65, and agree to the same with an amendment as follows: Restore of the matter proposed to be stricken out all but the words "thirty-six;" and in lieu of "60" insert "45;" and the Senate agree to the same.

That the House recede from their disagreement to the amendments numbered 92 and 93, and agree to the same with amendments as follows: In lieu of "75" insert "65," and in lieu of "80" insert "70;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 103, and agree to the same with an amendment as follows: Strike out the nine last words of the amendment; and the Senate agree to the same.

That the Senate recede from their amendment numbered 81, with an amendment as follows: Strike out of the amended paragraph the words "eighteen hundred persons at ten dollars each, and six hundred;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 107, and agree to the same with an amendment as follows: Strike out of said amendment the words "United States Statutes at Large, volume 17, page 236;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 109, and agree to the same with an amendment as follows: Before the word "Pillager" in said amendment insert "Mississippi, Chippewas, and to the;" and the Senate agree to the same.

W. LOUGHRIDGE,  
JOHN T. AVERILL,  
J. HANCOCK,

*Managers on the part of the House.*

WILLIAM WINDOM,  
A. A. SARGENT,  
LOUIS V. BOGY,

*Managers on the part of the Senate.*

Mr. LOUGHRIDGE. Mr. Speaker, there are a great many of these amendments, and I presume it will not be necessary for me to go over them all. The majority of them are unimportant in their character. The Senate increased the amount of the appropriations in this bill about \$450,000. The committee of conference have, of course, as such committees are required to do, compromised. The increase as the bill comes from the committee of conference is \$250,000 over the amount in the bill we sent to the Senate. This increase is mostly upon two or three items. The Senate increased the amount appropriated to the Apaches of Arizona from \$450,000, the amount fixed by the House, to \$700,000. After two days' consultation the committee of conference agreed as a compromise to settle upon \$550,000, thus dividing the difference between the two Houses. I desire to say in my own vindication that I have not changed my own opinion as to what the amount should be; but I agreed to this amount because, as every gentleman knows, there are two branches of Congress, equal in their powers and authority; and as the Senate insisted upon \$700,000 and the House upon \$450,000, we were obliged to compromise our differences. The committee of conference thought that the best we could do in this case was to divide the difference.

The next most important increase is with reference to the Crow Indians of the North. The House committee had fixed \$50,000 as the appropriation for the Crows, although the Department had recommended \$100,000. When the House committee acted on this question it was supposed, and I think my colleague on the committee [Mr. PARKER, of Missouri,] will confirm this statement, that by a certain treaty which had been made since that time those Indians would get \$50,000 outside of this bill. This turns out to be a mistake; the treaty was not ratified. Hence the committee of conference have concluded it would not be particularly out of the way to give the Crows the amount proposed by the Senate.

There is a slight increase—\$30,000 I think—in the amount of the contingent fund for California, and about the same increase in the contingent fund for Arizona.

I have now mentioned the only important items in the bill which have been increased by the present report. I think the best thing the House can do is to agree to the report. It will leave as the amount appropriated by this bill \$5,265,000. The corresponding bill of last year appropriated \$5,379,000; so that this bill appropriates between one and two hundred thousand dollars less than the bill of last year. The bill of the year before last appropriated \$7,900,000. Thus the House will see that we are decreasing annually our Indian appropriations. I do not desire to occupy further the time of the House. I yield a moment to my friend from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. Mr. Speaker, I am very sorry to be put in the position of being obliged to disagree on this report with my friend from Iowa [Mr. LOUGHRIDGE] and my other colleague on the Committee on Appropriations, the gentleman from Texas, [Mr. HERN-

DON,] because we have all labored assiduously upon the Indian bill during the whole of the present session in order to perfect it.

I desire to say in the commencement of my remarks (in the course of which I shall give my reasons for disagreeing to this report) that in every other bill which has come from the Committee on Appropriations during this session of Congress, and which has been adopted by this House, there has been a large decrease in the appropriations compared with those that were made by the last Congress for the present fiscal year. There was a large decrease in this Indian appropriation bill as it went from the hands of this House to the Senate. The sub-committee of the Committee on Appropriations, in preparing this bill, criticised everything in the closest manner, so that they might save to the Treasury everything possible, without being at all desirous of crippling the Indian service, but on the contrary being friendly to that service and the peace policy under which it is managed.

If this report is adopted this bill goes to the country as the only one in which there is no substantial reduction. It is true there is a reduction of \$100,000 and a fraction over the bill of last year, but no more. This is not the fault of the House; this is not the fault of my colleagues on this sub-committee. It comes in that way from the other end of the Capitol.

Upon this branch of the case I desire to give the reason why I cannot agree on this report. The Crow appropriation, which has been increased, to which the gentleman has referred, is proper. I think the House voted \$50,000 on the understanding there was an agreement which would be ratified by the Congress of the United States with these Indians giving them \$50,000 instead of \$31,000. That agreement has not been reached. Therefore I think it proper to appropriate this amount.

The material point in this bill is in reference to the Apaches of Arizona and New Mexico. How does that stand? It will be remembered by the House that the last Congress appropriated for this service \$250,000. The Commissioner of Indian Affairs came to the Committee on Appropriations on the 18th of last December and asked we should give \$200,000 more as a deficiency for the present fiscal year. The committee, after investigating it, became satisfied that amount would run the service for the remaining portion of this fiscal year, and agreed to give that \$200,000.

Now, upon this point I desire to trespass upon the attention of the House by reading the letters of the Commissioner of Indian Affairs. On this point I invite especial attention of the House. I refer to this because it makes up the aggregate that went to supply that service this year, and upon that amendment the sub-Committee on Appropriations took this as a basis and agreed to give this service for the coming fiscal year \$450,000. What is the letter of the Commissioner of Indian Affairs? Let me read:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., December 18, 1873.

SIR: By the Indian appropriation act for the fiscal year ending June 30, 1874, (Statutes at Large, volume 17, page 440) the sum of \$250,000 was appropriated to subsidize and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations, the amount to be expended for each person not to exceed \$100 per annum.

Of the amount thus appropriated there remains now on hand only \$10,603.26, all of which will be needed for pay of employes at the respective agencies.

It will be remembered by the House that on the 18th of last December, when half of the fiscal year had gone, there was of the \$250,000 to run the service, \$10,000 remaining. But let me read further:

To meet absolute necessities for the subsistence and support of the Apaches up to the 30th of June next, including incidental expenses and transportation, will require at least \$200,000, which, added to the amount heretofore appropriated, will make the total expenditure for the fiscal year in this branch of the service equal to \$450,000, or \$64.28 per capita, estimating the number of Indians subsisted and to be subsisted at seven thousand, which is as near the correct average as can be ascertained from present information on the subject.

I have the honor to present herewith an estimate for that amount, or so much thereof as may be necessary for the purposes referred to, and to recommend the same for your approval, and for submission to and favorable action by Congress.

Very respectfully, your obedient servant,

H. R. CLUM,  
Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

Now I desire to call the attention of the House to this fact: On the 18th of December, while we were in session here, the Commissioner of Indian Affairs came before the Committee on Appropriations and told us all the money he required to complete the service for this fiscal year was \$200,000 in addition to the \$250,000 already given to him by the regular appropriation bill of last year. He said emphatically in his letter that would complete the service up to the 30th day of June next. The committee gave him this additional \$200,000, but when the deficiency bill went into the Senate we find added to this \$200,000 \$300,000 more. We find also distinguished men of that body in the conference insisting instead of giving \$200,000 we should give \$500,000. For one I protest against it, and I do it in the interest of that economy which all of us have been trying to practice here.

The Commissioner himself, in his letter of the 18th of December, 1873, says that \$450,000 will run the service for this fiscal year. He understands his business. He knew what he was about then. We complied with his request, and we took the amount that was asked for and given by our bill last year as a basis for making up the bill this year, and in it we put \$450,000. But what does the Senate do? Does the Senate leave that \$450,000 remaining there? O, no; when

it goes over to that body they put it up to \$700,000. They say they did it upon the judgment of the Commissioner of Indian Affairs. They have put it up to \$700,000 upon the judgment of the Commissioner of Indian Affairs. Let us see how correct they are in that assertion. Why, here are the revised estimates coming from the Indian Department to this Congress on the 5th of January, 1874, in which the Commissioner only asks for \$550,000 for that service, and the Senate actually put in the bill \$150,000 more than he asks for. And then we are asked in this House to indorse that.

Mr. AVERILL. Is the gentleman aware that the amount now asked for is exactly in accordance with the estimates made by the Commissioner?

Mr. PARKER, of Missouri. The gentleman does not understand me. I say that the Commissioner asks for a less sum by \$150,000 than the Senate have inserted in this bill. I assert that as a fact. The Senate amended this bill for that service in New Mexico and Arizona by putting it up to \$700,000; and now the question comes up in the conference committee whether we will agree to what was the judgment of the sub-committee of the Committee on Appropriations when we made up the bill, and what was the deliberate judgment of the whole Committee on Appropriations when that bill was made up? For one I have protested against it, and for one I will not be held responsible by the country for thus increasing the expenditures when I do not conscientiously believe it is necessary.

I have detained the House upon this matter because it is a vital matter; because on it turn the appropriations in two bills, that in the deficiency bill and that in the regular bill.

Now, it may be said that some subsequent letter will be produced here by the Commissioner. I do not know how that may be in reference to these deficiencies, but before I am satisfied in regard to it I want to see what amounts of money have been expended and the vouchers for those expenditures.

Do gentlemen know how much we appropriate for this service this year? Why, sir, in several items covering old deficiencies you appropriate in the deficiency bill \$423,000 for deficiencies for the years 1872 and 1873. You appropriate, as it stood in the bill when it passed the House, \$200,000 for deficiencies for this year. And now you are asked by the Senate in that deficiency bill to appropriate \$300,000 more, and in a regular bill here before us you are asked to appropriate \$100,000 more as it is reported from the conference committee.

Gentlemen tell us we must give way and must agree. Well, sir, \$100,000 upon this one branch of this service alone is a very considerable amount of money, and if you are to agree to the dictum of the other end of the Capitol and keep on agreeing to it, instead of reducing the expenditures for the Indian service you will increase them year by year. There has been no substantial reduction to this bill as it comes back, there will be no substantial reduction next year, and so the work goes on. They have suddenly discovered that there are nine thousand Indians to be fed. The Commissioner of Indian Affairs said upon the 18th of December last that there were but seven thousand of these Indians. It seems that there have been two thousand captured since that time and brought on the reservation, and yet I have seen no evidence of that fact.

I stand here, sir, willing to give all the money that is necessary to carry on the service and to conduct it properly, but I am unwilling that more shall be given for this service than is necessary. Only the other day the members of this House were frightened out of their propriety and voted against a proposition by the statement that the lobby was full of men interested in what was a very proper measure. If it was right thus to refer to the matter of the lobby, I can say now that since this bill has been pending and the deficiency bill containing appropriations for the Indians, this city has been besieged by lobbyists in the interest of Indian contractors, who have been trying all the while to get the amount of money appropriated in these bills increased. And, sir, when they failed in the House they went to the other end of the Capitol, and there they succeeded. Sir, I protest against the increase of this appropriation, in the face of the fact that the Commissioner of Indian Affairs told us on the 18th of December, by his solemn letter, that it required only \$450,000 to run this service last year; and if it only required that amount last year, there is no evidence before us of any character worthy of credence going to show that any more money will be required for the coming year. The Commissioner of Indian Affairs came before us with another letter, stating that there was a deficiency running back for a series of years prior to the fiscal year of 1872-73, requiring an appropriation of \$423,000, a deficiency which had accumulated year by year.

Now, sir, the House can do just as it pleases on this question. I, for one, propose to vote against the report of the committee of conference, and I propose, for one, to assist if I can in maintaining the dignity and power of this House, especially when it is asserted in favor of economy.

Mr. LOUGHRIDGE. I do not think my friend from Missouri takes a proper view of this case. I do not think the House has more dignity than the Senate. I claim that it has as much; but we have no right to set ourselves up and say that when they desire to have an amendment made to a bill they are trampling upon us. Sir, they are our peers. They think that \$700,000 is necessary for this purpose; the House thought that \$450,000 was necessary. We have agreed to compromise and divide the difference, allowing \$500,000. Now these same Indians had appropriated for them \$600,000 the year



before last and they had \$600,000 last year. There was a deficiency for the last year which we shall have to pay, and in order to show this I send to the Clerk's desk and ask to have read a letter from the Commissioner of Indian Affairs.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., June 13, 1874.

SIR: Referring to the deficiency estimates of this office for the Apaches in Arizona and New Mexico, namely, one for \$200,000 and one for \$300,000, I desire to state for your information that the remark in office letter submitting the first-named amount, to the effect that that sum would be required for the remainder of the present fiscal year, was so stated inadvertently. It was really expected there would be two deficiency appropriations this year, same as last; and the first item was intended to meet the wants of the service up to the time the second deficiency bill should be prepared and ready to be reported to Congress, by which time the office would be able to estimate with more certainty for the amount that would actually be required for the whole year.

There is, in fact, now in this office a deficiency in the shape of vouchers, reports of indebtedness, and estimates from the agents at the various agencies in Arizona and New Mexico, as follows: For supplies already furnished and services rendered, represented by vouchers that have been presented for payment, \$326,599.59; for beef that has been delivered and will be required till the 1st proximo, for which vouchers have not yet been presented, say, \$73,821.30; for indebtedness reported by the agents and estimates submitted by them, to carry on the service to the 30th instant, in addition to the foregoing, \$134,670.73; making in all, \$535,091.52. This amount may be reduced somewhat by the actual returns of the agents; but it will readily be perceived that the full amount of \$500,000 will be absolutely necessary to meet all the indebtedness that has been and will have been incurred on account of the service in Arizona and New Mexico during the present fiscal year.

Very respectfully, your obedient servant,

EDWARD P. SMITH,  
Commissioner.

Hon. J. A. GARFIELD,  
House of Representatives.

Mr. LOUGHRIDGE. The House will notice by that letter that these deficiencies certified to by the Commissioner as being on file in his office will bring the expenses for the present year up to \$750,000, and that is more than \$200,000 over what the conference committee report. It is more than the Senate insisted on, and the amount we now appropriate is \$200,000 less than the expenses for the present year.

Now, as I said before, I do not differ with my friend from Missouri in his judgment on this matter at all. I agree with him perfectly, but I have lived long enough to know that I do not know everything myself, and that in this country other men know as much as I do, and that I must compromise my own opinions with those of other men. The two Houses of Congress must compromise their opinions, and I think it is a fair compromise between the House and the Senate to split the difference.

Now, Mr. Speaker, let me give the reasons why the Senate insisted on their amendment in this case. They say that there are nine thousand of these Apaches; they say that they are the wildest and most savage tribe on the continent; they say that for years they have been butchering the settlers in Arizona; and they say that since the peace policy has been in force there have been no butcheries. They say we have taken these Apaches and hemmed them in on reservations, and we must feed them or they will leave those reservations and go again to murdering the people.

There are nine thousand of these Indians. Now sit down and figure a little. If you give to these Indians twenty cents a head for the whole year it will make nearly \$100,000 more than the committee have agreed upon. What the committee have agreed upon is only seventeen cents a day for each Apache Indian during the year. Certainly that will not feed them very liberally. I act upon the presumption that the rolls of the Department and the rolls returned by the Army show the true number of Indians. I might differ with them; but, as I said before, I might differ with a great many men, and we must compromise our differences. I ask that this report be agreed to.

Mr. HANCOCK. I ask the gentleman to yield to me for a few moments.

Mr. LOUGHRIDGE. I will do so.

Mr. HANCOCK. I desire to say a few words in addition to what has been said by my colleague on the committee in relation to the Apache Indians in Arizona and New Mexico. The gentleman from Missouri [Mr. PARKER] seems to take a single statement and to adhere inflexibly to that statement as the only one upon which he will predicate our action here. The statement to which he refers as having been made by the then Acting Commissioner on the 18th of December last has been corrected twice, I believe, in formal communications, and perhaps a dozen times verbally, as an inadvertent misstatement of the facts and of the actual needs of the Indian service in that regard. The fact is that the deficiency, instead of being \$200,000, was really over \$500,000; and it is necessary that that amount should be appropriated if the Government is to keep faith with the contractors who have furnished supplies to these Indians.

I do not know how much fidelity or the absence thereof may exist in connection with the administration of the law in reference to these Indians. If, however, the reports we receive of them from officers of the Army and the officers of the Government having charge of the Indian service are to be relied upon, these Indians are not less than seven thousand and perhaps as many as nine thousand in number. If there be but seven thousand of them, the amount proposed to be appropriated by this bill will be only twenty-one cents and a fraction per head. It is impossible that there can be much margin for thieving or for extravagant squandering of money if that number of Indians are kept upon

the reservations and fed from this fund. The expense of getting supplies there is probably almost as great as anywhere in the whole country. I do not know any place where it would be greater, or even as great as it is there. This is below the average cost of a ration in any portion of the country where the Government of the United States supplies rations to feed any part of the human family.

I have nothing to say about the deficiency appropriation bill, which the gentleman from Missouri [Mr. PARKER] seems more disposed to combat than the bill now under consideration. I think it is sufficient for me at least to leave that matter in the hands of the very competent gentlemen who have charge of it. If we perform our duties with regard to this matter it will be as much as devolves upon us, and probably as much as it would be worth while for us to undertake on this occasion.

Taking, then, the statements we received in reference to the number of these Indians, we know that the amount here appropriated, \$550,000, is not too much money. I beg leave to correct also another statement of the gentleman from Missouri, [Mr. PARKER,] that the amount estimated for was \$450,000. I have seen no such estimate, and I do not think any such has been brought to the attention either of the Committee on Appropriations or the sub-committee who have had charge of the Indian appropriation bill. In the first instance the estimates were for \$750,000 as the amount necessary to feed the Indians in the Territories of Arizona and New Mexico. According to my recollection, and I do not think I can be mistaken, the revised estimates are \$550,000. The Commissioner came afterward before us and said that would be insufficient. You have put a provision in this bill that there shall be no division. You will jeopardize the peace of these Territories if you do not make an appropriation sufficient to feed these Indians for the next year.

My own opinion is that the Senate was nearer right than we were. I do not believe that \$700,000 was a dollar too much to appropriate for the purpose of feeding the Indians in New Mexico and Arizona, if we are going to carry out in good faith the peace policy of the Government; and I may remark here parenthetically that that is not our policy; but as it has been adopted by the Government, I am disposed to give it a fair, honest, and *bona fide* test. I believe if it is faithfully administered it will be found much cheaper than to feed, fight, and kill these Indians, apart from the question of humanity which is involved. One regiment of cavalry would cost more than \$1,000,000 a year to be kept there. And one regiment would not suffice to compel peace if you force these Indians to leave the reservations and again go to committing depredations.

I would ask the gentleman from Missouri if he has forgotten the scenes of 1870 and 1871, and even up to 1872, when these Indians were butchering the inhabitants of these Territories, were taking their children captives, were desolating the whole Territory, and were finally arrested in their deeds only by the interposition of the army under the command of General Crook, I believe, aided by General Howard, and finally brought upon a reservation, and the principle of feeding them adopted instead of fighting them. And from that time to the present we have had peace with them.

That little collision with the Indians cost us more than \$2,000,000 in a single year. As a question of economy, then, if it be necessary to appropriate this amount of money to furnish provisions for these Indians, I say that the bill does not appropriate a dollar too much; and I honestly believe that the amount is not enough.

Mr. BECK. I would like to ask the gentleman one question. What has become of the peace commission? There are some painful rumors about it.

Mr. HANCOCK. I am unable to answer the gentleman's inquiry further than to say that I learn from the newspapers (and I presume the statement is reliable) that for some reason the peace commissioners have resigned. I suppose that probably one reason is that they had performed their duty as long as the novelty, the dignity, and the romance afforded a sufficient attraction to keep them in the service. They received no compensation; and I have very little confidence that any service will last for a great while and be efficiently administered unless there is some compensation given. I do not know anything more than this except in the shape of rumors, which I do not care to repeat.

Mr. COX. I would like the gentleman from Kentucky [Mr. BECK] to answer his own question. From the smile upon his face, I think he knows what has become of the peace commissioners.

Mr. HANCOCK. I presume that the places of these men will be supplied by those who, if not as good men, will probably perform their duties as well as they are able; and perhaps the interests of the Government may not materially suffer.

Mr. BECK. If the gentleman from Texas [Mr. HANCOCK] will allow me, I will say that according to my belief these peace commissioners were so terribly in the way of the Indian agents who desire to send in false vouchers and receive payment of fraudulent accounts that they had to be dismissed because they kept down the stealing. That is the way I understand it.

The question being taken on agreeing to the report of the committee of conference, there were—ayes 75, noes 36; no quorum voting.

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 150, not voting 72; as follows:

**YEAS**—Messrs. Albert, Albright, Averill, Begole, Bradley, Bromberg, Buffinton, Cason, Stephen A. Cobb, Crooke, Crounse, Crutchfield, Darraill, Dobbins, Donnan, Field, Foster, Frye, Garfield, Giddings, Eugene Hale, Hancock, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Hendee, E. Rockwood Hoar, Hodges, Houghton, Howe, Kendall, Lampont, Lansing, Lofland, Longbridge, Lowe, Lowndes, James W. McDill, McLean, Monroe, O'Neill, Orr, Packard, Page, Parsons, Pelham, Pendleton, Poland, Rapier, Richmond, Ellis H. Roberts, Sawyer, Henry J. Scudder, A. Herr Smith, H. Boardman Smith, St. John, Strait, Strawbridge, Thorburgh, Todd, Marcus L. Ward, Wheeler, White, George Willard, John M. S. Williams, and Willie—67.

**NAYS**—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barriere, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Brown, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick B. Butler, Cain, Caldwell, Cannon, Cassius, John B. Clark, Jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crittenden, Crossland, Curtis, Danford, Davis, Duell, Dunnell, Durham, Eames, Fort, Gooch, Gunckel, Gunter, Hagans, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, George F. Hoar, Holman, Hoskins, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamar, Lawrence, Lawson, Leach, Lewis, Luttrell, Lynch, Magee, Martin, Maynard, McCrary, MacDougall, McKim, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Orth, Hosea W. Parker, Isaac C. Parker, Perry, Pike, Thomas C. Platt, Potter, Rainey, Randall, Ransler, Ray, Read, Robbins, James W. Robinson, Ross, Rusk, Henry B. Saylor, Milton Saylor, Sessions, Shanks, Sheats, Sherwood, Sloan, Small, Smart, J. Ambler Smith, John Q. Smith, Snyder, Southard, Spear, Stanard, Standiford, Starkweather, Stone, Storm, Stowell, Sypher, Christopher Y. Thomas, Townsend, Tremain, Vance, Wallace, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Charles G. Williams, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—150.

**NOT VOTING**—Messrs. Barber, Barry, Bass, Bright, Buckner, Amos Clark, Jr., Freeman Clarke, Clayton, Clinton L. Cobb, Corwin, Crocker, Crocker, Dawes, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Glover, Robert S. Hale, Hamilton, Harmer, Hersey, Hooper, Hubbell, Jewett, Killinger, Knapp, Lamson, Marshall, Alexander S. McDill, McKee, McNulta, Mitchell, Moore, Morey, Myers, Negley, Niles, Nunn, Packer, Phelps, Phillips, Pierce, James H. Platt, Jr., Pratt, Purman, Rice, William R. Roberts, James C. Robinson, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloss, George L. Smith, William A. Smith, Sprague, Stephens, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Waldron, Walls, Wilber, Jeremiah M. Wilson, and Wood—72.

So the report of the committee of conference was rejected.

Mr. LOUGHRIDGE. I move the appointment of another committee of conference on this question.

Mr. STARKWEATHER. I hope the same committee will be continued. I think it is worth while for the same committee to make another effort.

Mr. GARFIELD. I move that the House ask for a further conference with the Senate on the disagreeing votes of the two Houses. I will add that I do not wish to be a member of the committee of conference.

The motion of Mr. GARFIELD was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the resolution of the House of Representatives to print five thousand copies of the report of John W. Woodworth, supervising surgeon of the marine hospital service of the United States, for the year 1873, with amendments in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the resolution of the House of Representatives to print the report of the Commissioner of Education, with an amendment in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the resolution of the House to print six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, with an amendment in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de Lafayette of the watch presented to him by General Washington;

The bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy;

The bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and Joseph Tate, of Atchison County, Missouri, for carrying the mails;

The bill (H. R. No. 3757) for the appropriation of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade;

The bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons; and

The bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 3162) for the relief of settlers on railroad lands;

The bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

The bill (H. R. No. 1915) to remove the political disabilities of Henry R. Sibley, a citizen of Fredericksburgh, Virginia;

The bill (H. R. No. 352) for the relief of Colonel E. McCarty; and

The bill (H. R. No. 753) for the relief of Peter S. Patton.

The message further announced that the Senate had passed bills of

the following titles; in which the concurrence of the House was requested:

The bill (S. No. 807) for the relief of Washington Crossland;

The bill (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;

The bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

The bill (S. No. 425) for the restoration to market of certain lands in the Territory of Utah;

The bill (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia;

The bill (S. No. 674) to relieve C. D. Anderson of political disabilities;

The bill (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia;

The bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia;

The bill (S. No. 710) for the relief of E. Laws, chief engineer United States Navy;

The bill (S. No. 214) for the relief of Robert Coles;

The bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

The bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the Absentee Shawnee lands in Kansas," approved April 7, 1869; and

The bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad.

#### PAY OF HOUSE EMPLOYÉS.

Mr. HOSKINS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund, the committee clerks, folders, pages, and other employés of the House for the full month of June, 1874.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and a bill of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.; and

An act (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service.

#### GOLD BANKS.

Mr. MAYNARD. I am requested by the Representatives from the Pacific coast to ask that the Committee of the Whole be discharged from the further consideration of a bill that was reported from the Committee on Banking and Currency at an early day of this session, and that the bill be put on its passage. It is House bill No. 975 to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

On this subject I have received from the gentlemen representing the Pacific coast on this floor the following letter:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., June 6, 1874.

SIR: Impressed with the belief that the interests of our constituents urgently demand the passage at the present session of House bill No. 975, we respectfully request that you avail yourself of the earliest opportunity that may present itself to call it up for consideration.

Very respectfully,

S. O. HOUGHTON,  
C. W. KENDALL,  
J. K. LUTTRELL,  
H. F. PAGE,  
CHARLES CLAYTON,  
J. W. NESMITH.

Hon. HORACE MAYNARD.

This bill relates to gold banks; and its only effect is to allow them to have circulating notes at the rate of 90 per cent. instead of 80 per cent. on the bonds deposited as security. With this view the bill proposes to amend the third section of the act of July 12, 1870.

That section now reads as follows:

**SEC. 3.** *And be it further enacted*, That upon the deposit of any United States bonds, bearing interest payable in gold, with the Treasurer of the United States, in the manner prescribed in the nineteenth and twentieth sections of the national-currency act, it shall be lawful for the Comptroller of the Currency to issue to the association making the same circulating notes of different denominations, not less than five dollars, not exceeding in amount 80 per cent. of the par value of the bonds deposited, which notes shall bear upon their face the promise of the association to which they are issued to pay them, upon presentation at the office of the association, in gold coin of the United States, and shall be redeemable upon such presentation in such coin: *Provided*, That no banking association organized under this section shall have a circulation in excess of \$1,000,000.



The bill was read. It provides that section 3 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, be amended so as to read as follows:

SEC. 3. That upon the deposit of any United States bonds, bearing interest payable in gold, with the Treasurer of the United States, in the manner prescribed in the nineteenth and twentieth sections of the national currency act, it shall be lawful for the Comptroller of the Currency to issue to the association making the same circulating notes of different denominations, not less than five dollars, not exceeding in amount 90 per cent. of the par value of the bonds deposited, which notes shall bear upon their face the promise of the association to which they are issued to pay them, upon presentation at the office of the association, in gold coin of the United States, and shall be redeemable, upon such presentation, in such coin: *Provided*, That no banking association organized under this section shall have a circulation in excess of \$1,000,000.

Mr. MAYNARD. It is the same as the law now with the exception of allowing 90 instead of 80 per cent.

Mr. HOLMAN. It increases the circulation, then, 10 per cent.

Mr. MAYNARD. It increases the gold circulation of the Pacific coast.

#### ORDER OF BUSINESS.

Mr. GARFIELD. I move there be an evening session for business, to begin at eight and a half o'clock. It is not necessary to meet as early as usual, but it is necessary we should have an evening session in order to get through with the business and be able to adjourn on Monday next. To do that the sundry civil appropriation bill should go to a committee of conference to-night. The Senate is now at work on it, and they propose to sit it out and pass it before taking a recess to-day. If we get here by eight and a half o'clock this evening we can take up the amendments to the sundry civil appropriation bill, act upon them, and send the bill to a conference to-night.

Mr. O'NEILL. Mr. Speaker, I object to a Sunday session under any circumstances. Let us meet here to-night so as not to have a Sunday session.

Mr. GARFIELD. As some gentlemen think we had better meet at eight o'clock instead of half-past eight o'clock, I now propose that we take a recess at half-past four o'clock until eight o'clock this evening.

Mr. KELLEY. I object.

Mr. GARFIELD. I move to suspend the rules for that purpose.

The SPEAKER. A motion to suspend the rules is not in order, as the House is now acting under a suspension of the rules.

Mr. O'NEILL. I want to know whether gentlemen look to the possibility of a session on Sunday. I object to anything which will lead to our holding a session on Sunday. Let us have a session to-night to complete whatever business there may be to be done.

Mr. GARFIELD. I give notice that I will move to take a recess between four and five o'clock.

Mr. RANDALL. I should like to ask the Chair what he construes to be the operation of the concurrent resolution for adjourning on Monday next—whether the adjournment must take place on Monday at twelve o'clock or whether it will extend over until twelve o'clock on Tuesday, thus giving an additional day?

The SPEAKER. The Chair apprehends that question will not be left open for his decision. If no other order be made the only question to be decided is whether the adjournment shall take place at twelve o'clock midnight on Monday, or at the beginning of the legislative day at eleven o'clock on Tuesday. As between those two constructions the Chair has not made up his mind. The session could not by any possibility, in the judgment of the Chair, extend beyond eleven o'clock a. m. of Tuesday.

Mr. RANDALL. Could it by any possibility in the judgment of the Chair be that the adjournment could take place at twelve o'clock noon on Monday?

The SPEAKER. There is no presumption in favor of it. The only difference is, Monday next, the 22d, being fixed as the day of adjournment, whether it shall take place at the end of the calendar day, at midnight on Monday, or at the end of that legislative day, which is at eleven o'clock on Tuesday.

Mr. RANDALL. Then we might as well adjourn now, because we have a legislative day on Monday.

The SPEAKER. Undoubtedly we have. We are not in the last legislative day of the session.

Mr. HALE, of Maine. But we wish to have conference committees appointed on the pending business before Monday next.

Mr. GARFIELD. The sundry civil appropriation bill will be over from the Senate, and we can consider the Senate amendments this evening and send the bill to a committee of conference before Monday.

Mr. POTTER. Suppose after the legislative day has begun on Monday next the Senate should adjourn at two o'clock, what would be the effect of that on the House?

The SPEAKER. That is a case which has never occurred.

Mr. POTTER. That is a question which has suggested itself to my mind.

The SPEAKER. That is a question, but the Chair apprehends the two Houses will necessarily agree upon the same hour of adjournment. It has never heretofore been otherwise.

Mr. GARFIELD. I desire to inform the House how the public business stands. We have just rejected a conference report, and therefore the Indian bill must go to a second conference. The deficiency appropriation bill is not yet quite completed in conference, but

can be this evening. The post-office appropriation bill is not out of conference yet but will be ready for action this evening. Hence the necessity for an evening session to close up all these conference reports. If we expect to get away Monday or Tuesday we must before adjourning over Sunday send the sundry civil appropriation bill, which is a very long and very important one, to a committee of conference. The conferees will be compelled to use most of Sunday in arranging the details of conference, and the report can be made on Monday.

Mr. CONGER. The gentleman has omitted to say anything about the river and harbor appropriation bill.

Mr. GARFIELD. Yes; and there is the river and harbor appropriation bill, which is another conference we have to provide for.

Mr. KELLEY. I would like to state my reasons for objecting. The session can be extended for a day or two if necessary, and it will be much better if the important business we have to do shall be done deliberately rather than crowded through.

Mr. SPEER. Let us have no extension of the session; not one hour.

#### GOLD BANKS.

The question recurred on Mr. MAYNARD's motion to suspend the rules.

Mr. MAYNARD. I will make, if the House will permit me, a brief statement in regard to the bill. The act of 1870 provided for the establishment of gold banks, allowing them to have only 80 per cent. in circulation. This bill, in the interest of the Pacific coast, proposes to amend that law so as to increase the amount to 90 per cent., the same as other national banks.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association; and

An act (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims.

#### COMMERCIAL RAILWAY COMPANY.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3770) to incorporate the Commercial Railway Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

#### J. T. D. DUNCAN.

Mr. WALLACE, by unanimous consent, introduced a bill (H. R. No. 3771) for the relief of J. T. D. Duncan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### MRS. GATES.

Mr. COX. I desire to make a motion in behalf of my friend from Minnesota [Mr. DUNNELL] to take up the bill for the relief of Mrs. Gates and put it upon its passage. The case has been investigated by the gentleman from Connecticut, [Mr. HAWLEY,] and the bill ought to be passed.

Mr. DUNNELL. The Committee on Claims have unanimously instructed me to report it back.

Mr. RANDALL. I object.

#### BUSINESS ON THE SPEAKER'S TABLE.

The House then, under the order made yesterday, proceeded to the consideration of the business on the Speaker's table, to be disposed of by a two-thirds vote.

#### REGULATION OF GAS-WORKS.

The first business on the Speaker's table was the bill (S. No. 733) regulating gas-works, returned from the Senate with the amendments of the House disagreed to.

The House insisted on its amendments to the bill, and requested a conference on the disagreeing votes of the two Houses thereon.

#### GOLD MINT BARS.

The next business on the Speaker's table was the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office at New York to the assistant treasurer at New York, returned from the Senate with an amendment to the amendment of the House.

The amendment of the Senate to the amendment of the House was read, as follows:

Insert after the word "par" in line 8 the words "and not less than market value," instead of inserting the words "market value" after the word "at" in line 8 as proposed by the amendment of the House.

Mr. MERRIAM. I move that the amendment of the Senate be concurred in.

The amendment was concurred in.

#### MANDAMUS PROCEEDINGS.

The next business on the Speaker's table was the bill (H. R. No. 1273) to regulate proceedings in mandamus, returned from the Senate with amendments.

Mr. ELDREDGE. I move that that bill be referred to the Committee on the Judiciary.

Mr. BUTLER, of Massachusetts. I hope the amendments of the Senate will be concurred in.

The SPEAKER. The first question will be upon concurring.

The amendments of the Senate were read, as follows:

Strike out after the word "may," in line 7, the words "be continued in the name of his" and insert "for the purposes of justice be revived against his."

Add as additional sections the following:

Sec. 2. That the circuit courts of the United States shall have, and are hereby given, power to issue the writ of *mandamus* in all causes at law or in equity of which they have jurisdiction, and in which such a writ by the common or the chancery law is an appropriate remedy, or by way of original proceeding where such writ is necessary to any jurisdiction possessed by said court and is a proper remedy.

Sec. 3. That this act shall have effect from the day of its passage.

The SPEAKER. The question is on suspending the rules and agreeing to the amendments of the Senate.

Mr. MCCRARY. I desire to move an amendment to the Senate amendments.

Mr. ELDREDGE. Is it in order to move to refer this bill?

The SPEAKER. The first question is on concurring in the Senate amendments.

Mr. ELDREDGE. I hope the bill will not be passed. It is a bill that was defeated once.

Mr. BUTLER, of Massachusetts. It has passed the House.

Mr. ELDREDGE. There are not ten members on the floor who know what the object of the bill is.

The SPEAKER. It is a House bill returned with Senate amendments.

Mr. MCCRARY. I move to amend the Senate amendment by adding:

Any service of any writ or process in any proceeding by *mandamus* shall be deemed sufficient if made in accordance with the statute of the State in which such proceeding is commenced, regulating the service of similar process in the State courts.

Mr. BUTLER, of Massachusetts. I desire to say simply—

Mr. ELDREDGE. I rise to a question of order. I suppose an amendment offered under these circumstances requires a two-thirds vote as well as any other proposition.

The SPEAKER. Of course, it is all settled by one vote, and if two-thirds do not vote for the amendment as proposed to be amended, the bill will remain on the table.

Mr. BUTLER, of Massachusetts. Every higher State court in the Union has the right to issue a writ of *mandamus*. This is only to give the circuit courts within the circuit of their own jurisdiction the same right.

Mr. ELDREDGE. It is a bill intended to take away the rights of the State courts.

Mr. BUTLER, of Massachusetts. O, no; it does not alter the matter a hair except as I have said.

The question was taken upon agreeing to the Senate amendment as proposed to be amended; and upon a division there were—ayes 88, noes 56.

So (two-thirds not voting in favor thereof) the amendment was not concurred in, and the bill and amendment were returned to the Speaker's table.

#### MATTHIAS WHITEHEAD.

The next business on the Speaker's table was the amendment of the Senate to House bill No. 1774, for the relief of Matthias Whitehead.

The amendment of the Senate was to strike out all after "back pay" in line 6 to the end of the bill, and insert:

Due him to the 31st day of October, 1864, when he was ordered to return to duty, but he shall not be entitled to any bounty.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

#### COLLECTION OF DUES FROM PACIFIC RAILROADS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies.

The amendments were to strike out all after "payment of," in line 2, down to and including line 8, and insert:

The railroad companies, their successors and assigns, or the successors and assigns of any or either of said companies, of all sums of money due or to become due the United States for the 5 per cent. of the net earnings provided for by the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, or by any other act or acts in relation to the companies therein named, or any other such company or companies.

Line 10 strike out "a reasonable time" and insert "sixty days."

Line 14, after "collect" insert "or otherwise obtain redress in respect of."

Mr. WILLIAMS, of Michigan. I move that the House concur in the Senate amendments.

The amendments were concurred in, two-thirds voting in favor thereof.

#### JOHN DOLD.

The next business on the Speaker's table was Senate amendment to House bill 764, for the relief of John Dold.

The amendment of the Senate was to add to the bill the following:

Or the claim of any person in possession of or claiming the same; and also to fully indemnify the United States against all losses and damages in the premises.

Mr. ELKINS. I move that the amendment of the Senate be concurred in.

The amendment was concurred in, two-thirds voting in favor thereof.

#### INSANE CONVICTS.

The next business on the Speaker's table was Senate amendments to House bill No. 3415, to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while in prison.

The amendments of the Senate were to strike out all after "insane," in line 9, down to and including line 11; and also in line 15, after "insane," insert:

And there shall not be accommodation for such insane person at the Insane Asylum of the District of Columbia, or if for other reasons the Attorney-General is of the opinion that such insane person should be placed at the State insane asylum rather than at said District asylum, then.

After line 5, page 2, insert:

But no contract shall be made or compensation paid for the care of such insane persons beyond their respective terms of imprisonment.

Mr. MACDOUGALL. I move that the amendments of the Senate be non-concurred in, and a committee of conference asked.

No objection was made, and it was so ordered.

#### UNSERVICEABLE ORDNANCE STORES.

The next business on the Speaker's table was Senate amendment to House bill No. 3257, authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes.

The amendment of the Senate was to strike out the word "fixed" between the words "unserviceable" and "ammunition."

Mr. WHEELER. I move the amendment be concurred in.

The amendment was concurred in, two-thirds voting in favor thereof.

#### HORSES DESTROYED IN MILITARY SERVICE.

The next business on the Speaker's table was Senate amendment to House bill No. 3428, to amend the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849.

The amendment of the Senate was to add the following section:

Sec. 2. That no claims under said section or this amendment shall be considered unless presented prior to the 1st day of January, 1876.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

#### RESERVATIONS IN ARIZONA.

The next business on the Speaker's table was Senate amendments to House bill No. 3431, authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes.

The amendments of the Senate were to add to the bill the following:

Provided further, That bona fide settlers upon any part of said lands prior to the declaration of the reservation lines shall have the right to acquire title to the lands so occupied by them at said time, not exceeding one hundred and sixty acres each, under the land laws of the United States.

Also amend the title by inserting after "Arizona" the words "as may be."

Mr. MCCORMICK. I move the amendments of the Senate be concurred in.

The amendments of the Senate were concurred in, two-thirds voting in favor thereof.

#### REMOVAL OF CAUSES FROM STATE COURTS.

The next business on the Speaker's table was the bill (H. R. No. 3501) regulating the removal of causes from State courts to the circuit courts of the United States, returned from the Senate with amendments.

Mr. WARD, of Illinois. I move the Senate amendments be referred to the Committee on the Judiciary and ordered to be printed.

The motion was agreed to.

#### ISLAND IN SAGINAW RIVER, MICHIGAN.

The next business on the Speaker's table was the bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan, returned from the Senate with the following amendments:

In line 10, after the word "island," insert "saving and reserving to all persons or parties other than the United States any legal rights acquired therein," and at the end of the bill add the following proviso:

And provided further, That nothing contained in this act shall be construed to affect in any manner the rights of Stephen Marston, one of the proprietors and occupants of said middle ground.

So the bill will read:

That all rights and title of the United States to the middle ground or island in the Saginaw River, lying within the prescribed limits of fractional section 5, in township 13 north, of range 5 east, and sections 29 and 32, in township 14 north, of range 5 east, in the State of Michigan, and hereby relinquished to the riparian owners, respectively, of the lands on the shores of said river in front of or opposite to said island, saving and reserving to all persons or parties other than the United States any legal rights acquired therein: *Provided*, That this act shall not be construed or held to imply a claim of title on the part of the United States to said middle ground, but only as a relinquishment of any apparent right therein to the persons respectively to whom the lands on said shores were patented, their heirs and assigns.

And provided further, That nothing contained in this act shall be construed to



affect in any manner the rights of Stephen Marston, one of the proprietors and occupants of said middle ground.

Mr. TOWNSEND. I move concurrence in the amendments of the Senate.

The amendments were concurred in.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1572) fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes; and

An act (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy.

#### AMENDMENT TO HOMESTEAD LAW.

The next business on the Speaker's table was the bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases, returned from the Senate with the following amendments:

After the word "lands" insert "heretofore," and at the end of the bill add the following proviso:

*Provided*, That nothing in this act shall have the effect or be construed to impair the valid and paramount adverse rights of any person or corporation to any of such lands, except in so far as the right of Congress to protect the claims or rights of homestead settlers upon land within the limits of grants of lands to any railroad company may have been reserved in the acts making such grants and be now lawfully existing.

Mr. WARD, of Illinois. If there be no objection I move the Senate amendments be referred to the Committee on the Public Lands, and ordered to be printed.

Mr. LOWE. I hope the amendments of the Senate will be concurred in.

Mr. CLYMER. Let them go to the Committee on the Public Lands, and be printed.

Mr. KASSON. My belief is the proviso nullifies the bill. I ask it be read as it will stand if amended.

The Clerk read as follows:

That in all cases of entries of public lands heretofore made under the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, where the affidavit required by section 2 of said act was made before the clerk of the county of the residence of the person making the entry, without having first made the settlement and improvement required by the provisions of section 3 of the act entitled "An act amendatory of the homestead law, and for other purposes," approved March 21, 1864, said affidavits be, and the same are hereby, legalized and confirmed, so as to have the same force and validity as if the provisions of said last-named act had been strictly complied with: *Provided*, That nothing in this act shall have the effect or be construed to impair the valid and paramount adverse rights of any person or corporation to any of such lands, except in so far as the right of Congress to protect the claims or rights of homestead settlers upon land within the limits of grants of lands to any railroad company may have been reserved in the acts making such grants and be now lawfully existing.

Mr. ELDREDGE. The proviso seems to nullify the effect of the bill.

Mr. CASON. I move to suspend the rules and concur in the Senate amendments.

The House divided, and there were—ayes 80, noes 29.

So the motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the amendments of the Senate were concurred in.

#### INDIAN APPROPRIATION BILL.

The SPEAKER appointed Mr. PARKER of Missouri, Mr. LOUGHRIDGE of Iowa, and Mr. BECK of Kentucky as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the Indian appropriation bill.

#### INUNDATION OF THE MISSISSIPPI RIVER.

The next business on the Speaker's table was the bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, returned from the Senate with an amendment increasing the appropriation from \$10,000 to \$25,000.

The amendment of the Senate was concurred in.

#### MARSHAL FOR WESTERN JUDICIAL DISTRICT OF NORTH CAROLINA.

The next business on the Speaker's table was the bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district in North Carolina," returned from the Senate with an amendment.

The bill proposes to amend section 8 of the act of June 4, 1872, entitled "An act to establish a western judicial district of North Carolina," by adding thereto the following:

There shall also be appointed a marshal of the United States for said western district of North Carolina, who shall receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law.

The amendment of the Senate is to strike out the following words at the end of the bill:

Receive such fees and compensation and exercise such powers and perform such duties as are fixed and enjoined by law,

And to insert:

Be entitled to a salary of \$200 per annum; payment to be made quarterly out of the Treasury of the United States, and in addition thereto the fees of office fixed by law.

Mr. WARD, of Illinois. I move that be referred to the Committee on the Judiciary.

Mr. POLAND. I move concurrence in the Senate amendment.

Mr. WARD, of Illinois. Is it not open to the objection it makes an appropriation?

The SPEAKER. We are now proceeding under a suspension of the rules, which suspends that as well as all other rules.

Mr. POLAND. I will state what the bill is. When the western judicial district of North Carolina was established it was omitted to provide for a marshal. This merely provides in the western judicial district of North Carolina there shall be a marshal. The Senate have merely added a provision for the compensation of that marshal.

Mr. ELDREDGE. There is provision made here not merely for a marshal, but for all the officers of the court.

Mr. POLAND. The Senate only makes one change. We passed a bill in the House providing for a marshal; and the Senate have added on the ordinary provision as to the \$200 salary.

Mr. ELDREDGE. We were assured that there would be no additional expense. That has always been the cry; and yet it always results in a new court-house.

The question being taken on suspending the rules and concurring in the Senate amendment, there were ayes 110, noes not counted.

So the amendments of the Senate were concurred in, two-thirds voting in favor thereof.

#### UNITED STATES MARINE HOSPITAL AT PITTSBURGH, PENNSYLVANIA.

The next business on the Speaker's table was the bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site and the purchase of a new site and the erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania, with amendments by the Senate.

The first amendment was after the word "point," in line 14, to insert "and in accordance with designs to be prepared by the Supervising Architect to the satisfaction of the supervising surgeon of marine-hospital service and approved by the Secretary of the Treasury."

The next amendment was to strike out in line 27, after the word "provided," the words "the terms of sale of the present building will not admit of their remaining therein" and insert "it is practicable so to do; but in the event of such provision being found to be impracticable, then the present building shall be occupied for such patients."

Mr. NEGLEY. I move that the amendments of the Senate be concurred in.

The amendments of the Senate were concurred in, two-thirds voting in favor thereof.

#### JAMES A. McCULLAH.

The next business on the Speaker's table was the bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri, with an amendment by the Senate.

The amendment of the Senate was to strike out, commencing in line 12, the words "by affidavits general in their character and applying to said amount in the aggregate;" in line 15 to strike out the words "the same" and insert the words "said taxes;" and in line 16 to strike out the words "it was" and insert "they were;" so as to make the proviso read:

*Provided*, That such credits shall not be allowed until it shall be shown to the satisfaction of the Commissioner of Internal Revenue that due diligence was used by said McCullah to make collection of said taxes while said lists remained in his hands, and that they were not collected by him; it being the intention of this act to relieve said McCullah from complying with the strict requirements of existing regulations relative to the abatement of uncollected taxes.

Mr. NIBLACK. The amendment is merely verbal in its character and immaterial. I ask that it be concurred in.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

#### CIRCUIT COURT OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes, with amendments by the Senate.

The amendments of the Senate were read, as follows:

In line 2 strike out "concurrent."

In line 2 strike out "with the police court of said District."

At end of line 3 insert "not lawfully triable in any other court, and they are required by law to be prosecuted by indictment on information."

The amendments of the Senate were concurred in, two-thirds voting in favor thereof.

#### LIGHT-HOUSE BOARD.

The next business on the Speaker's table was the bill (H. R. No. 3522) to extend the jurisdiction of the Light-house Board, with an amendment by the Senate.

The amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof:

That the Light-house Board are hereby directed to cause examinations to be made, and to report to the Secretary of the Treasury what light-houses, lights, beacons, and buoys are required for the better security of navigation on the Mississippi, Ohio, and Missouri Rivers, including specific statement as to the respective localities, where and by whom now maintained, where required, and estimated cost of their construction and maintenance.

Mr. HOLMAN. I trust the amendment will be concurred in.

The amendment of the Senate was concurred in, two-thirds voting in favor thereof.

## PORT OF DELIVERY IN ALABAMA.

The next bill on the Speaker's table was the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery, with an amendment by the Senate.

The amendment of the Senate was read, as follows:

Add to the bill the following proviso:

*Provided, That the law constituting Selma, Alabama, a port of delivery, approved January 27, 1858, is hereby repealed; this act to take effect June 30, 1874.*

Mr. SPEER. That is right.

Mr. CONGER. I desire to move non-concurrence.

Mr. SPEER. O, no; the amendment is right.

Mr. CONGER. I move non-concurrence and the appointment of a committee of conference.

Mr. HOLMAN. I ask that the amendment may be again read.

The amendment was again read.

Mr. BROMBERG. I hope the amendment will be non-concurred in.

Mr. HAYS. I move concurrence in the amendment.

Mr. CONGER. This is a bill which was reported from the Committee on Commerce, and the Senate have amended it by repealing an act establishing Selma as a port of entry. Several gentlemen object to that.

The question being taken on suspending the rules and concurring in the Senate amendment, there were—ayes 89, noes 56.

So (two-thirds not voting in favor thereof) the rules were not suspended for concurrence in the amendment.

The SPEAKER. The House having refused to concur, under a suspension of the rules, the question recurs, will the House send the bill to a committee of conference?

The question being taken, there were ayes 104, noes not counted.

So (two-thirds having voted in favor thereof) a committee of conference was ordered.

## CLAIMS REPORTED BY THE CLAIMS COMMISSIONERS.

The next business on the Speaker's table was the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims, under the act of March 3, 1871, with amendment by the Senate.

The amendments of the Senate were read, as follows:

On page 47, after line 7, insert:

To the estate of John Fox, deceased, to be paid to John T. Burns, receiver of the circuit court of Fauquier County, Virginia, to be by him reported to said court to be distributed according to the will of John Fox, deceased.

At the end of the bill add, as an additional section, the following:

SEC. 2. That the case of Whitty M. Sasser, which was reported allowed by the commissioners of claims to the extent of the interest therein of Letitia Elsey and Maria H. Turpin, and the case of John Campbell, administrator of the estate of Stephen S. Springer, deceased, be, and they are hereby, referred to the commissioners of claims for re-examination and report; and the said commissioners of claims are hereby authorized to reopen, examine, and consider the said cases, and to make report thereon to Congress.

The amendments of the Senate were concurred in, two-thirds having voted in favor thereof.

## TITLE TO CERTAIN REAL ESTATE.

The next business on the Speaker's table was the amendment of the Senate to the resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau.

The amendment was read, as follows:

Strike out all after the enacting clause, and insert:

That whenever any such sale under said trust shall be made, the Attorney-General of the United States may, upon the written agreement of said Jones and his sureties and the sureties of said Norton that the same may be done without discharging or in anywise affecting their respective liabilities in the premises, discharge the purchaser of any of said property under such sale from any obligation to see to the application of the purchase-money thereof.

Mr. PLATT, of New York. I move that the amendment be concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

## PETER S. PATTON.

The next business on the Speaker's table was the Senate amendments to the bill (H. R. No. 753) for the relief of Peter S. Patton.

The amendment was read, as follows:

In lines 3 and 4 strike out, "510" and insert "420."

Mr. LOWE. I move that the amendment be concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

## COLONEL E. McCARTY.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 352) for the relief of Colonel E. McCarty.

The amendment was read, as follows:

Add to the bill the following:

*Provided, That the Secretary is satisfied that said McCarty has succeeded to all the rights which said Hough had to make reclamation upon the United States.*

Mr. HAWLEY, of Illinois. I move that this amendment be concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

## HENRY S. SIBLEY.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 1915) to remove the political disabilities of Henry S. Sibley, a citizen of Fredericksburgh, Virginia.

The amendments of the Senate were read, as follows:

In line 2 strike out the words "or legal;" also, insert in the same line, before "Constitution," the words "fourteenth amendment of the." In line 3 strike out the words "or laws." In lines 3 and 4 strike out the words "or any amendment to said Constitution."

Mr. RAINEY. I object to that bill.

The SPEAKER. Does the gentleman object to concurring in the Senate amendments?

Mr. RAINEY. I object to the entire bill.

Mr. HAYS. I move to suspend the rules and concur in the amendments of the Senate.

The motion was agreed to, two-thirds voting in favor thereof.

## SCHOOLS IN MISSOURI.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri.

The amendments were read, as follows:

In line 3 strike out "March" and insert "May."

In lines 13 and 14 insert after the word "Missouri" the words "subject to sale or location at \$1.25 an acre."

Mr. HYDE. I move concurrence in these amendments.

The motion was agreed to, two-thirds voting in favor thereof.

## SETTLERS ON RAILROAD LANDS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 3162) for the relief of settlers on railroad lands.

The amendments were read, as follows:

In line 13, after "lands," insert "not mineral and."

In line 20 strike out "the" and insert "or extend any."

In lines 20 and 21, after "railroad," insert "or to extend to lands reserved in any land grant made for railroad purposes."

Mr. DUNNELL. I move that these amendments be concurred in.

The motion was agreed to; two-thirds voting in favor thereof.

## ADJOURNMENT SINE DIE.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

*Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on the 22d of June, 1874, at 12 o'clock noon.*

Mr. DAWES. I move that this resolution be referred to the Committee on Ways and Means.

Mr. RANDALL. I move that the resolution be concurred in.

The SPEAKER. The motion to concur takes precedence of the motion to refer.

Mr. LUTTRELL. I move that the resolution be laid on the table.

The SPEAKER. Strictly speaking that motion is not in order. The question is on suspending the rules and concurring in the resolution.

The question being taken, there were—ayes 96, noes 72.

Mr. RANDALL called for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. RANDALL was not agreed to, two-thirds not voting in favor thereof.

The question being then taken on the motion of Mr. DAWES to refer the resolution to the Committee on Ways and Means, there were—ayes 132, noes 29.

So (two-thirds voting in favor thereof) the resolution was referred.

The SPEAKER. The Chair did not desire to influence the vote upon the question just taken; but he will now say publicly, as he has said during the day privately to several members who have addressed inquiries to him, that unless the House shall sit all through to-morrow (Sunday) it will be a simple impossibility for the adjournment *sine die* to take place next Monday at twelve o'clock.

Mr. DAWES. If at eleven o'clock on Monday the condition of the public business should justify it, it will then be very easy to bring in this resolution and concur in it.

Mr. MAYNARD. I do not see any need for haste in fixing the hour of adjournment. We are paid to remain here and attend to the public business.

Mr. BUTLER, of Massachusetts. Only half paid.

The SPEAKER. The Chair is not aware of any exigency of business which would require the House to sit on Sunday for the purpose of being ready to adjourn by Monday noon.

## CHIEF SIGNAL OFFICER'S REPORT.

The next business on the Speaker's table was the following concurrent resolution of the Senate; which was referred under the law to the Committee on Printing:

*Resolved by the Senate, (the House of Representatives concurring,) That two thousand copies of the report of the Chief Signal Officer for 1873 be printed and bound for the use of the Secretary of War.*

## PRINTING OF REPORT ON TRANSPORTATION ROUTES.

The next business on the Speaker's table was the following resolution of the Senate:

*Resolved by the Senate, (the House of Representatives concurring,) That one thousand additional copies of the report of the Select Committee on Transportation Routes, with the appendix and evidence taken, be printed, of which three hundred copies shall be for the use of the Senate, six hundred copies for the use of the House, and one hundred copies for the use of the Select Committee on Transportation Routes;*



and that there shall also be printed five thousand copies of said report and appendix without the evidence, of which fifteen hundred copies shall be for the use of the Senate, three thousand copies for the use of the House, and five hundred copies for the use of the Select Committee on Transportation Routes.

Mr. DONNAN. Let that lie upon the table. The House has passed a concurrent resolution, which the Senate has amended, and which will be here presently.

The SPEAKER. The resolution had better be disposed of by being referred to the committee.

The resolution was referred to the Committee on Printing.

#### COAST-SURVEY REPORT.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

*Resolved by the Senate, (the House of Representatives concurring.)* That there be printed of the report of the Superintendent of the Coast Survey for the year 1873 three thousand extra copies for the use of the Superintendent of the Coast Survey.

Mr. DONNAN. I ask that that resolution be referred to the Committee on Printing.

The resolution was referred to the Committee on Printing.

#### INDIAN APPROPRIATION BILL.

The SPEAKER. The gentleman from Missouri [Mr. PARKER] has asked to be excused from service upon the committee of conference on the Indian appropriation bill, and the Chair appoints in his place the gentleman from Indiana, [Mr. SHANKS.]

Mr. LOUGHRIDGE. I should like to be excused also. I worked pretty hard for two days upon the committee of conference on that bill, and I prefer that some one should take my place.

Mr. STARKWEATHER. I think that neither of the gentlemen should be excused. They have had this matter in charge on behalf of the Committee on Appropriations, and I think they ought to serve upon the conference committee.

#### REPORT ON STATISTICS.

The next business on the Speaker's table was the following concurrent resolution of the House of Representatives, returned from the Senate with amendments:

*Resolved, (the Senate concurring.)* That there be printed of the special report of Edward Young, Chief of the Bureau of Statistics, on the customs-tariff legislation of the United States, with appendix, including the tariff acts approved respectively May 1, 1872, and June 6, 1872, and a tabular arrangement of the rates of duty under said acts, and other statutes now in force, five thousand copies; three thousand for the House, one thousand for the Senate, and one thousand bound for the use of and distribution by the Treasury Department.

The amendments of the Senate were read and concurred in, as follows:

Strike out in lines 8, 9, and 10 the words "five thousand copies; three thousand for the House, one thousand for the Senate, and." Insert in line 10, after the word "thousand," the word "copies." In the same line strike out the words "and distribution by."

Mr. DONNAN. I ask that the amendments of the Senate be concurred in.

The amendments were concurred in.

#### REPORT OF THE COMMISSIONER OF EDUCATION.

The next business on the Speaker's table was the following concurrent resolution of the House, returned from the Senate with amendments:

*Resolved, (the Senate concurring.)* That there be printed twenty thousand copies of the report of the Commissioner of Education; five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

The amendment of the Senate was as follows:

Strike out all after the word "printed" to the end of the resolution, and insert in lieu thereof "five thousand copies of the report of the Commissioner of Education for 1873; of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

Mr. DONNAN. I ask a non-concurrence in that amendment, and that a conference committee be asked upon the disagreeing votes of the two Houses thereon.

The motion was agreed to.

#### REPORT OF THE COMMITTEE ON TRANSPORTATION.

The next business on the Speaker's table was the following concurrent resolution of the House, returned from the Senate with an amendment:

*Resolved by the House of Representatives, (the Senate concurring.)* That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board; four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

The amendment of the Senate was read and concurred in, as follows:

Strike out after the word "sea-board" to the end of the resolution and insert in lieu thereof the words "thirty-six hundred copies of which shall be for the use of the House of Representatives, eighteen hundred copies for the use of the Senate, and six hundred copies for the use of the Select Committee of the Senate on Transportation to the Sea-board."

#### REPORT ON MARINE-HOSPITAL SERVICE.

The next business on the Speaker's table was the following concurrent resolution of the House, returned from the Senate with amendments:

*Resolved, (the Senate concurring.)* That the Government Printer be instructed to print five thousand copies of the report of John W. Woodworth, supervising surgeon of the marine-hospital service of the United States, for the year 1873; fifteen hundred for the use of the Senate and thirty-five hundred for the use of the House of Representatives.

The amendments of the Senate were read, as follows:

In line 2 strike out "five" and insert "one."

In lines 5, 6, and 7 strike out the words "fifteen hundred for the use of the Senate and thirty-five hundred for the use of the House of Representatives," and insert in lieu thereof the words "for the use of the Treasury Department."

Mr. DONNAN. I move a concurrence in the amendments of the Senate.

The amendments were concurred in.

#### RAILROADS IN THE TERRITORIES.

The next business on the Speaker's table was the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands.

Mr. TOWNSEND. I move that that bill be referred to the Committee on the Public Lands.

The motion was agreed to.

#### LAND GRANT IN MINNESOTA.

The next business on the Speaker's table was the bill (S. No. 486) to revive and continue certain grants of lands heretofore made to the Territory and State of Minnesota to aid the construction of the several lines of the Saint Paul and Pacific Railroad Company.

The following are the provisions of the bill:

That the provisions of the act of Congress approved March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its roads," be, and the same is hereby, revived and extended until the 31 day of March, A. D. 1876, and no longer, upon the following conditions:

First. That all the rights of actual settlers, and their grantees, who have heretofore in good faith entered upon and actually resided on any of said lands prior to the passage of this act, or who otherwise have legal rights in any of such lands, shall be saved and secured to such settlers, or such other persons, in all respects, the same as if said lands had never been granted to aid in the construction of the said lines of railroad.

Second. That the company taking the benefit of this act shall, before acquiring any rights under it, by a certificate made and signed by its president and a majority at least of its directors, and under the seal of the corporation, accept the conditions contained in this act and file such acceptance in the Department of the Interior for record and preservation.

Mr. AVERILL. I move that this bill be put on its passage.

Mr. RANDALL. I move it be referred. I believe this is the third extension which has been asked for.

Mr. SPEER. It is the fourth.

Mr. RANDALL. It is a land grant, and was defeated here last Congress. I call for the yeas and nays on it.

Mr. AVERILL. It is not the third extension; it is the first extension. It has received the indorsement of the Committee on the Public Lands, and I hope it will pass.

Mr. HOLMAN. This is the third extension asked for this road.

Mr. DUNNELL. I ask unanimous consent to make a statement. It is an extension so that a single gap of fifty-seven miles may be completed in a road embracing six hundred and eighty-six miles.

Mr. RANDALL. It takes away the land of the Government. I object to debate.

The SPEAKER. Strictly speaking, it being necessary to pass the bill under a suspension of the rules, the motion to suspend the rules must first be seconded.

Tellers were ordered; and Mr. AVERILL and Mr. RANDALL were appointed.

The House divided; and the tellers reported that there were yeas 123, noes not counted.

So the motion to suspend the rules was seconded.

Mr. RANDALL. I call for the yeas and nays on suspending the rules and passing the bill.

The question was taken; and there were 26 in the affirmative.

Mr. AVERILL. I ask that the other side may be counted.

Tellers were ordered; and Mr. AVERILL and Mr. RANDALL were appointed.

The House again divided; and the tellers reported that there were—yeas 25, noes 147.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The rules were suspended upon a division—yeas 127, noes 31—two-thirds voting in favor thereof, and the bill was passed.

#### CORRECTION OF ENROLLMENT.

Mr. LAWRENCE. I ask unanimous consent to correct an error in the enrollment of the southern claims bill. It is the mere omission of the amount appropriated to the estate of John Fox, deceased. I ask that the enrolling clerk be directed to insert the amount, \$7,545.

Mr. HOLMAN. Will not that require the bill to go back to the Senate?

The SPEAKER. The Chair thinks not; it is clerical only.

There being no objection, the order was made.

#### CONFERENCE ON INDIAN APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. STARKWEATHER, in place of Mr. LOUGHRIDGE, excused, as one of the conferees of the House on the disagreeing votes of the two Houses on the Indian appropriation bill.

## REGISTRATION OF DEATHS IN THE DISTRICT.

Mr. ELDREDGE. I am instructed by the Committee on the District of Columbia to ask that a bill be passed in reference to the registration of persons who die in Washington. There is no record now made of persons who come here and die. It is a bill to further define and enlarge the powers and duties of the board of health.

The bill provides that it shall be the duty of the board of health of the District of Columbia to make and enforce regulations to secure a full and correct record of vital statistics, including the registration of deaths and the interments of the dead in said District.

No objection being made, the bill (H. R. No. 3772) was received, read three times, and passed.

## ORDER OF BUSINESS.

Mr. GARFIELD. I now move that the House take a recess until eight o'clock.

Mr. STARKWEATHER. I desire to say that as we are now working very well, I hope the chairman of the Committee on Appropriations [Mr. GARFIELD] will allow us to go on another half hour, rather than to work after midnight, or Sunday.

Mr. GARFIELD. I must insist upon my motion to take a recess till eight o'clock.

The motion was agreed to upon a division—ayes 128, noes not counted; and accordingly (at five o'clock and ten minutes p. m.) the House took a recess till eight o'clock p. m.

## EVENING SESSION.

The House reassembled at eight o'clock p. m., the Speaker in the chair.

## COLLEGE HILL COMPANY.

Mr. COTTON. I have a bill to which I think there will be no objection. It is an act authorizing the incorporation of the College Hill Company for the purpose of improving certain real estate contiguous to the city of Washington for the construction of cottage, villa, and other residences.

The bill was read.

Mr. COTTON. This is to help some mechanics and to bring them under the general law, which now does not seem to embrace them.

Mr. MERRIAM. Will it allow them to issue notes?

Mr. COTTON. Of course not.

Mr. ELDREDGE. Why are these not embraced under the general law?

Mr. SPEER. I must object.

## PAY TO DISCHARGED EMPLOYÉS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce the following resolution.

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to the clerks, messengers, folders, pages, and laborers—

Mr. RANDALL. There is no use of reading that any further; it has been already passed.

Mr. BUTLER, of Massachusetts. I am glad of it, but the Clerk has read the wrong resolution.

I ask unanimous consent to introduce a joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States.

There was no objection, and the joint resolution was read a first and second time.

The joint resolution was read.

It authorizes and directs the Secretary of the Treasury to pay, when discharged, two months' pay to such clerks and employés of the Executive Departments in Washington, District of Columbia, who shall be discharged at the close of the present fiscal year without fault on their part but by reason of the reduction made necessary by legislation at the present session of Congress; provided the amount paid under this resolution shall be deducted from the salary of any person receiving the same who shall be reappointed within six months from the date of such discharge.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## REFUNDING OF DUTIES ON FRUITS.

Mr. MERRIAM. Mr. Speaker, in the early part of the session I introduced a bill to prevent the further funding of duties on fruits, and during the discussion, when the bill was before the House, I stated that \$10,000 a day was being refunded. The next day a letter was received from the late Secretary of the Treasury and read in the House and thus placed upon the records. In that letter the Secretary stated there had been but \$70,000 refunded altogether. That being a contradiction of the statement I had made, it is now due to me that the letter I send up to the Clerk's desk should be read.

The Clerk read as follows:

TREASURY DEPARTMENT, April 7, 1874.

SIR: In reply to your note of the 6th instant, requesting information as to the

amount of duties refunded at New York upon imported fruit, I have to say that by returns received on Saturday last from that port, I learn for the first time that in addition to the amount refunded by the Department, there was refunded up to January 8, 1874, from the custom-house at New York, and without the same being made of record in this Department, but under the general direction that fruit is free, the additional sum of \$498,164.88.

It seems that when the decision was made that fruit was free of duty, the New York custom-house commenced refunding in accordance with that decision, without a special reference to this Department, not only upon unliquidated entries, but upon entries which had been liquidated.

I am, very respectfully,

WM. A. RICHARDSON,  
Secretary.

HON. C. L. MERRIAM,  
House of Representatives.

Mr. RANDALL. From the reading of that letter it appears the gentleman from New York did not state half of the truth.

Mr. ELDREDGE. That letter is as clear as mud. I hope the gentleman from New York will be permitted to explain it.

## HALL FOLDING-ROOM.

Mr. COBURN. I ask unanimous consent to offer the following resolution.

The Clerk read as follows:

*Resolved*, That the Door-keeper of the House be authorized and directed to retain upon the rolls during the coming recess the name of the person now in charge of the Hall folding-room.

Mr. SPEER. Who is he?

Mr. COBURN. Mr. Nealy, the young man now in charge.

Mr. SPEER. Who is he, and what is the reason for the adoption of any such resolution?

Mr. COBURN. I do not pretend to know.

Mr. SPEER. If there be any particular necessity for the passage of this resolution at this time, I should like to know it.

Mr. BUFFINTON. Let it go to the Committee on Accounts.

Mr. COBURN. I do not object to that reference.

The resolution was referred to the Committee on Accounts.

## INDIAN APPROPRIATION BILL.

Mr. GARFIELD. I wish to call the attention of the House to the fact that the Indian appropriation bill has been sent to a conference. The list of managers on the part of the House is not complete in consequence of the declination of a member. It is important a full committee should be at once appointed so the conference may go to work.

The SPEAKER. Does the Chair understand the gentleman from Connecticut declines to serve on the conference on the Indian appropriation bill?

Mr. STARKWEATHER. I do.

## REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG. I ask unanimous consent to offer the following resolution, which I do after consultation with the Secretary of the Treasury, and it is in reference to the bill for the reorganization of the Treasury and other Departments. It will cost nothing, and the Secretary wants it done.

The Clerk read as follows:

*Resolved*, That the sub-Committee on Reform in the Civil Service have leave to sit during the vacation for the purpose of completing bills for the reorganization of the Treasury and other Departments.

Mr. SPEER. I object peremptorily to that resolution.

Mr. KELLOGG. The gentleman cannot prevent my coming here at my own expense.

Mr. SPEER. Well, you can come at your own expense, but I object to the resolution.

## INSANE CONVICTS.

The SPEAKER. On the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who are or may become insane while imprisoned a conference has been ordered, and the Chair appoints as managers of said conference on the part of the House Mr. MACDOUGALL, Mr. RICE, and Mr. SPEER.

## JOHN D. YOUNG.

Mr. BECK. On behalf of the gentleman from Massachusetts, [Mr. DAWES,] who is now absent, I ask consent to introduce and have passed a bill for the relief of John D. Young, of Kentucky.

The bill was read. It appropriates \$1,009 to pay to John D. Young, the difference between \$2,509, ordered to be paid him by resolution of the House of February 15, 1869, and \$1,500 which was paid him by order of the Committee on Accounts on the 15th of April, 1869.

Mr. SPEER. This is simply to give Mr. Young his salary as a member.

Mr. BECK. Yes, sir. The gentleman from Massachusetts [Mr. DAWES] had intended to introduce the bill, but he is now absent.

There being no objection the bill (H. R. No. 3773) was read three times, and passed.

## APPOINTMENT OF CONFERENCE COMMITTEES.

The SPEAKER announced the appointment of Mr. CONGER, Mr. BROMBERG, and Mr. RAPIER as conferees on the part of the House on the disagreeing votes of the two Houses upon the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.



The SPEAKER also announced the appointment of Mr. DONNAN, Mr. MONROE, and Mr. HUNTON as conferees on the part of the House upon the disagreeing votes of the two Houses on the concurrent resolution in regard to printing the report of the Commissioner of Education.

#### DISBURSEMENT OF MONEYS UPON PUBLIC BUILDINGS.

Mr. STRAIT. I ask unanimous consent to take up and pass a bill which has been reported from the Committee on the Public Lands—the bill (H. R. No. 3598) defining the compensation to be allowed for the disbursement of moneys expended in the construction of public buildings.

The bill was read. It provides that the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid, to  $\frac{3}{4}$  of 1 per cent. for said services.

Mr. SPEER. I desire to ask the gentleman from Minnesota [Mr. STRAIT] whether the limitation fixed in this bill is above or below that now fixed by law?

Mr. STRAIT. It fixes the same amount now intended to be allowed by law; but under a construction adopted by the Department a different rule has been established.

Mr. SPEER. Then the passage of the bill will save money to the Government?

Mr. STRAIT. As I understand, it will.

Mr. RANDALL. I desire to say a word about this proposition.

Mr. ELDREDGE. I object to the consideration of the bill.

Mr. RANDALL. I wish the gentleman would withdraw his objection till I have made a statement.

Mr. ELDREDGE. I am opposed to the bill and I understand the gentleman is.

Mr. RANDALL. I am, but I want to show that the Treasury Department is improperly appointing officers who go all over the country receiving a percentage on the money expended upon public buildings.

Mr. ELDREDGE. That is the reason I object to the bill.

Mr. RANDALL. But I wanted to make that statement.

#### INTERNATIONAL STATISTICAL CONGRESS.

The SPEAKER laid before the House a communication from the President of the United States, transmitting the official report of the delegates selected to represent the United States Government at the international statistical congress held at Saint Petersburg in August, 1872; which, with the accompanying documents, was referred to the Committee on Foreign Affairs, and ordered to be printed.

#### EXPLORATION OF COLORADO RIVER.

The SPEAKER also laid before the House a communication from the Secretary of the Smithsonian Institution, transmitting the report of Professor J. W. Powell on the exploration of the Colorado River and its tributaries; which was referred to the Committee on the Public Lands, and ordered to be printed.

#### R. M. AND S. A. DOUGLAS.

The House resumed the consideration of business on the Speaker's table, the next bill being the bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims.

The bill was read. It provides that the claim of Robert M. and Stephen A. Douglas, for payment for their cotton seized in March, 1863, be referred to the Court of Claims for its decision, according to law and the practice of that court in such cases and proceedings.

Mr. KELLOGG. I move that the rules be suspended and this bill passed.

Mr. HOLMAN. This measure is now before the Committee on War Claims of this House. The chairman of the committee [Mr. LAWRENCE] can perhaps inform the House whether the committee has reached a decision upon it.

Mr. LAWRENCE. It is a claim that we ought not to pass. Only two members of the committee have examined it.

Mr. RANDALL. Is there any report in the case?

Mr. HOLMAN. I understand not. The sub-committee has never been able to report upon it.

Mr. KELLOGG. I ask that the gentleman from Ohio [Mr. LAWRENCE] have leave to make a statement, and then I would like to follow him, occupying one minute.

Several members objected to debate.

The question being taken on seconding the motion to suspend the rules, there were—ayes 101, noes 28; no quorum voting.

Mr. HOLMAN. I call for tellers. This is a very extraordinary proposition.

Mr. RANDALL. Is there any report?

Mr. HOLMAN. No, sir; the Committee on War Claims has never completed the examination of the case.

Tellers were ordered; and Mr. KELLOGG and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 118, noes 32. So the motion to suspend the rules was seconded.

The SPEAKER. The question is on suspending the rules and passing the bill.

Several members called for a division.

Mr. HOLMAN. This is so extraordinary a bill to pass that I must call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 17, noes 96.

So (the affirmative being less than one-fifth of the whole vote) the yeas and nays were not ordered.

The SPEAKER. A division having been called for it is the province of the Chair to order tellers, and the gentlemen who acted as tellers before will please act again.

The House divided; and there were—ayes 109, noes 40.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate still further insisted upon its amendments, disagreed to by the House, to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes; and insisted upon its disagreement to the amendments of the House to the amendments of the Senate, and had agreed to the conference asked by the House upon the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. BUCKINGHAM, and Mr. GORDON the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1620) for the relief of John L. J. Jones, of Montgomery County, Maryland, for rent and damages sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters; and

A bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes.

The message also announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 368) to provide for the establishment of an international commission of maritime powers to lay down ocean courses for steam-vessels, and otherwise provide for increased safety of sea travel.

#### GERMAN EVANGELICAL CHURCH AT MARTINSBURGH, WEST VIRGINIA.

The next business on the Speaker's table was the bill (S. No. 709) for the relief of the trustees of the German Evangelical church, of Martinsburgh, West Virginia.

The Clerk proceeded to read the bill.

Mr. LAMISON. I move that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 61, noes 92.

Mr. RANDALL called for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 19.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered; and the motion to adjourn was not agreed to.

The SPEAKER. The Chair directed the Clerk to cease reading until the House should come to order. The Chair does not believe that more than a few members understand the business that is being transacted.

Mr. WILLARD, of Vermont. Would it be in order to move that the House take a recess for half an hour?

The SPEAKER. It would.

Mr. WILLARD, of Vermont. I make that motion.

The motion was not agreed to.

Several members called for the regular order.

The SPEAKER. The regular order will proceed when gentlemen are in order, and not before. If there are any scandals connected with the closing legislation of this session, the Chair gives notice that they shall not be laid at his door.

Mr. SPEER. May I be permitted to inquire of the Chair whose duty it is to enforce order?

The SPEAKER. It is the duty of the Chair; and he has requested members to be in order. But he cannot physically control them. He can only bring the House to order by invoking the rules of the House. [After a pause.] The Clerk will read the pending bill.

The bill was read.

Mr. WILLARD, of Vermont. As I understand, that bill has not been considered by any committee of the House. I think it ought not to pass without being considered by a committee.

Mr. HALE, of New York. I move that it be referred to the Committee on War Claims.

Mr. HAGANS. I object to its being referred.

The question being taken on referring the bill to the Committee on War Claims; the rules were suspended (two-thirds voting in favor thereof) and the bill was so referred.

#### PRESIDENT'S MESSAGE ON DISTRICT SECURITIES.

Mr. WILSON, of Indiana. I am directed by the Joint Select Com-

mittee on Investigation into the Affairs of the District of Columbia to present a report on the subject of the President's message, referred to that committee this afternoon.

The Clerk read the report, as follows:

The Joint Committee on the Affairs of the District of Columbia, to whom was referred the message of the President relative to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes," report:

That the investigation made by this committee discloses the fact that much of the indebtedness proposed to be funded into the bonds provided for was created when there was no adequate provision for payment, and upon a basis of credit, the contractors understanding at the time that they were to receive evidences of indebtedness, the time of payment of which was uncertain, by reason whereof these evidences were depreciated in value. And while there were no means whereby the committee could determine the matter with absolute certainty, after giving the subject careful consideration they believe that a bond of the character provided for would be as a rule fully equal in value to what the contractors expected to receive under their contracts. Besides this, the funding proposed is permissive, and not compulsory. The creditors have all the security they had when the debt was created, and in addition the option to accept the bonds provided for. No injustice, therefore, will be done to any creditor who shall take such bonds in lieu of the securities he now holds. The idea that there is anything like repudiation in the bill is a mistake. The bill does not compel any holder of District securities to take bonds for them. It merely gives him the option to do so or to retain them and receive payment thereon when the District may be able to pay. The changes made in regard to the District government do not discharge or impair its contracts or liabilities. The bill, therefore, is not repudiation, nor is it unjust to any holder of District securities which may be funded under it. As to small creditors, such as laborers, &c., the bill contemplates their payment in money.

For the reasons above given, and also because it would be unwise in the opinion of your committee to set an example of issuing fifty-year bonds bearing a higher rate of interest than 3.65, they fixed that rate in the bill; and their opinion remains unchanged. That there may be no misapprehension as to the pledge of the United States, we here repeat it in the exact words of the bill: "And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in their act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity." Your committee ask to be discharged from the further consideration of the message.

WILLIAM B. ALLISON.  
A. G. THURMAN.  
WM. M. STEWART.  
J. M. WILSON.  
LYMAN K. BASS.  
ROBERT HAMILTON.  
JAY A. HUBBELL.  
HUGH J. JEWETT.

Mr. WILSON, of Indiana. I am directed by the committee to state to the House that after this message was referred to the committee a sub-committee was sent by the committee to confer with the President in regard to this matter. The President has acted under a misapprehension in regard to the facts in this case. There is no difference of opinion between the President and the committee upon this subject.

Mr. DAWES. I rise to a question of order. I have no doubt the communication the gentleman is about to make would be very interesting, but I submit as a point of order that it is unparliamentary.

The SPEAKER. The gentleman from Massachusetts makes the point of order that the communication now being made to the House by the gentleman from Indiana is improper. The Chair sustains the point of order.

Mr. WILSON, of Indiana. Then I withdraw what I have said. I move that the report be printed, and that it do lie upon the table, and that the committee be discharged from the further consideration of subject.

The motion was agreed to.

#### COMPULSORY PILOT FEES.

The next business on the Speaker's table was the bill (S. No. 365) to relieve ships and vessels from compulsory pilot fees in certain cases.

The Clerk commenced the reading of the bill.

Mr. E. R. HOAR. I move that the bill be referred to the Committee on Commerce.

Mr. BECK. I move again that the House adjourn. The reason I assign for making that motion is that the republican side of the House is so noisy that we cannot transact business.

Mr. CONGER. I ask that the words of the gentleman from Kentucky be taken down, because they reflect upon his fellow-members.

The SPEAKER. The Chair thinks that what the gentleman from Kentucky has said is a very obvious truth. The Chair could not direct the words to be taken down as stating anything other than the truth.

Mr. BECK. I will withdraw the motion if there is any chance of the House coming to order.

Mr. COX. I rise to a point of order. I believe the bill in relation to pilot fees is before the House.

The SPEAKER. If the gentleman will keep his seat the Chair will endeavor to bring the bill before the House.

Mr. COX. The Chair is very unkind and unparliamentary to a man who is endeavoring to secure proper action on the part of the House. The bill was read.

Mr. E. R. HOAR. I move that the bill be referred to the Committee on Commerce. The chairman of the committee, the gentleman from New York, [Mr. WHEELER,] would have made the motion if he were present. I know that he intended to make it if the bill had come up this afternoon.

Mr. HALE, of Maine. The House has passed this bill in terms, and this is a Senate bill containing the same provisions that the House has already passed.

Mr. COX. I object to debate.

Mr. HALE, of Maine. We ought to relieve our commerce from all these restrictions.

The question was put upon suspending the rules and passing the bill, and (two-thirds not voting in favor thereof) the bill was not passed.

Mr. E. R. HOAR. I now insist on my motion.

Mr. HALE, of Maine. I understood that when a bill came up and was not passed, it retained its place upon the Speaker's table.

The SPEAKER. The motion to refer the bill is in order.

The question was taken on the motion of Mr. E. R. HOAR, and it was agreed to, and the bill was referred to the Committee on Commerce.

#### POTTAWATOMIE INDIANS.

The next business upon the Speaker's table was the bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them.

Mr. RAINEY. I move to suspend the rules so as to refer that bill to the Committee on Indian Affairs.

The question was taken; and (two-thirds voting in favor thereof) the motion was agreed to, and the bill was referred to the Committee on Indian Affairs.

#### CIVIL-RIGHTS BILL.

The next business on the Speaker's table was the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

Mr. BUTLER, of Massachusetts. I move that that bill be referred to the Committee on the Judiciary.

Mr. POLAND. I move that the rules be suspended and the bill passed.

Mr. ELDREDGE. The bill ought to go to the Committee on the Judiciary.

Mr. BUTLER, of Massachusetts. I withdraw my motion to refer it.

Mr. ELDREDGE. I renew the motion.

Mr. E. R. HOAR. I hope the House will pass the bill without referring it.

The question was upon suspending the rules and passing the bill.

Mr. G. F. HOAR. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SPEER. Let the bill be read.

The Clerk proceeded to read the bill.

Mr. ELDREDGE. I move that the further reading of the bill be dispensed with; everybody knows the contents of the civil-rights bill.

The SPEAKER. The bill will be read.

Mr. ELDREDGE. Is it not in order for me to move to suspend the rules and dispense with the further reading of the bill?

The SPEAKER. The Chair does not think that that motion is in order.

Mr. ELDREDGE. I would like to know why.

Mr. CESSNA. The motion is to suspend the rules so as to pass the bill, and two motions to suspend the rules cannot be pending at the same time.

The SPEAKER. The bill will be read.

Mr. ELDREDGE. Does the Chair decide that it is not in order to suspend the rules so as to dispense with the reading?

The SPEAKER. The Chair thinks it better that the bill should be read.

Mr. ELDREDGE. It may be better in the opinion of the Chair, but if I have a right to make that motion I desire to make it.

Mr. SENER. There is already one motion pending to suspend the rules.

The SPEAKER. The motion of the gentleman might possibly be in order, but the Chair directs the bill to be read.

The Clerk resumed and completed the reading of the bill.

The question was on seconding the motion to suspend the rules.

Mr. ELDREDGE. I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 165, not voting 48; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick, R. Butler, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Durham, Eldredge, Giddings, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Phelps, Randall, Read, Robbins, Milton Saylor, John G. Schumaker, Sloss, Southard, Spear, Standiford, Stone, Storm, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—76.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Creamer, Crooke, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Frye, Garfield,



Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Kendall, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McKunkin, McKee, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, Pike, James H. Platt, Jr., Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Stannard, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—165.

**NOT VOTING**—Messrs. Freeman Clarke, Clayton, Clements, Crocker, Curtis, Danford, DeWitt, Eden, Elliott, Farwell, Fort, Freeman, Glover, Hancock, Harmer, Havens, Hersey, Jewett, Kasson, Killinger, Lamson, Lansing, Marshall, Alexander S. McDill, McNulta, Mitchell, Myers, Nunn, Orr, Packer, Phillips, Thomas C. Platt, Potter, William R. Roberts, James C. Robinson, Sessions, Sheldon, Lazarus D. Shoemaker, William A. Smith, Sprague, Stephens, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Wheeler, and Wood—48.

So the motion to adjourn was not agreed to.

During the call of the roll,

Mr. STOWELL said: I have been requested to state that Mr. PACKER, Mr. TYNER, and Mr. MARSHALL are absent from the Hall on a conference on the post-office appropriation bill.

The question recurred upon the motion to suspend the rules and pass the bill, upon which the yeas and nays had been ordered.

The question was taken; and there were—yeas 139, nays 91, not voting 59; as follows:

**YEAS**—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burckhard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cason, Cessna, Amos Clark, Jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Curtis, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, Foster, Frye, Garfield, Gooch, Gunckel, Robert S. Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lynch, McCrary, James W. McDill, McKunkin, McKee, Merriam, Monroe, Moore, Morey, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Parsons, Pelham, Pendleton, Pierce, Pike, Thomas C. Platt, Poland, Purman, Rainey, Ransier, Rapier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Shanks, Sheldon, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Starkweather, Stowell, Strawbridge, Sypher, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—139.

**NAYS**—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, Jr., Clymer, Comingo, Cool, Cox, Creamer, Crittenden, Crossland, Crutchfield, Davis, Durham, Eldredge, Giddings, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hutton, Hyde, Kendall, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Phelps, Randall, Ray, Read, Robbins, James C. Robinson, Milton Saylor, John G. Schumaker, Sener, Sloss, J. Ambler Smith, Southard, Spear, Stannard, Standiford, St. John, Stone, Storm, Swann, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—91.

**NOT VOTING**—Messrs. Cannon, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Crocker, Danford, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Glover, Hagans, Eugene Hale, Harmer, Havens, Hersey, Jewett, Killinger, Lamson, Lansing, Lofland, Marshall, Martin, Maynard, Alexander S. McDill, MacDougall, McNulta, Mitchell, Myers, Nunn, Packer, Hosea W. Parker, Isaac C. Parker, Phillips, James H. Platt, Jr., Potter, Pratt, William R. Roberts, Isaac W. Scudder, Sessions, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, William A. Smith, Sprague, Stephens, Strait, Taylor, Charles R. Thomas, Tyner, Waddell, Wheeler, and Wood—59.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll the following announcements were made:

Mr. PARKER, of New Hampshire. On this question I am paired with the gentleman from Massachusetts, Mr. CROCKER; if present he would vote "ay" and I would vote "no."

Mr. KNAPP. My colleague, Mr. MARSHALL, is absent on the committee of conference on the post-office appropriation bill; if present he would vote "no."

Mr. SHERWOOD. On this question I am paired with my colleague, Mr. JEWETT; if present he would vote "no" and I would vote "ay."

Mr. STRAIT. I am paired on this question with the gentleman from Missouri, Mr. HAVENS.

Mr. CANNON, of Illinois. My colleague, Mr. MARTIN, is absent on account of sickness.

Mr. MERRIAM. My colleague, Mr. WILBER, is absent on account of sickness.

Mr. COBB, of Kansas. My colleague, Mr. PHILLIPS, is indisposed this evening; if present he would vote "ay."

Mr. PARKER, of Missouri. On this question I am paired with the gentleman from North Carolina, Mr. WADDELL.

Mr. MACDOUGAL. On this question my colleague, Mr. SMART, and myself are paired with our colleague, Mr. POTTER; if present he would vote "no" and we would vote "ay."

Mr. SPRAGUE. I am paired on this question with my colleague, Mr. LAMISON; if present he would vote "no" and I would vote "ay."

Mr. STOWELL. I am requested to state that Mr. PACKARD, Mr.

TYNER, and Mr. MARSHALL are engaged on the committee of conference on the post-office appropriation bill.

Mr. COMINGO. My colleague, Mr. GLOVER, is necessarily absent; if here he would vote "no."

Mr. WHITELEY. My colleague, Mr. FREEMAN, is absent by leave of the House; if present he would vote "ay."

Mr. FORT. On this question I am paired with my colleague, Mr. EDEN.

Mr. DANFORD. I am paired on this question with the gentleman from New York, Mr. DEWITT.

The question recurred on the motion of Mr. BUTLER, of Massachusetts, to refer the bill to the Committee on the Judiciary.

Mr. BUTLER, of Massachusetts. I withdraw that motion. Let the bill remain on the table.

Mr. ELDRIDGE. I renew the motion.

Mr. G. F. HOAR. I wish to inquire, Mr. Speaker, in what position the call of committees stands.

The SPEAKER. The last committee called was the Committee on Mississippi Levees.

Mr. G. F. HOAR. The Judiciary Committee is the seventeenth on the list, and will probably not be called at all during next session. Therefore to send the civil-rights bill to that committee buries it.

Mr. ELDRIDGE. It is buried any way; it has been buried half a dozen times beyond the power of resurrection. It is the dearest corpse you ever saw; and you are all glad of it.

Mr. CESSNA. Mr. Speaker, what position will the bill occupy at the next session as to priority on the Speaker's table if it remains where it is?

The SPEAKER. It might be reached by a motion to go to business on the Speaker's table made at any time after the morning hour.

Mr. CESSNA. Is it not among the very first bills on the Speaker's table?

The SPEAKER. It will, of course, be among the first on the table at the next session. The question recurs on the motion of the gentleman from Wisconsin [Mr. ELDRIDGE] that the rules be suspended and the bill be referred to the Committee on the Judiciary.

The motion was not agreed to.

The SPEAKER. The bill remains on the Speaker's table.

#### ENROLLMENT OF A BILL.

Mr. LAWRENCE. I desire to submit a concurrent resolution for correcting the enrollment of a bill.

The SPEAKER. This is to correct the same error to which the gentleman from Ohio [Mr. LAWRENCE] called attention this afternoon. It has been found that the error was made in enrolling a Senate amendment, and therefore a concurrent resolution is necessary.

There being no objection the resolution was read, considered, and agreed to, as follows:

*Resolved by the House of Representatives, (the Senate concurring,) That the Clerk of the House be authorized in enrolling the seventh Senate amendment to the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, to insert the words "7,545," being the sum awarded to the party named in said amendment; said sum having been omitted from the Senate amendment as engrossed and sent to the House of Representatives.*

#### TEXAS AND PACIFIC RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes."

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texas and Pacific Railway Company is hereby empowered to secure, by one or more mortgages upon the whole or any portion of its line, the construction bonds heretofore authorized to be issued, and to cancel the mortgage now on record with the Secretary of the Interior so far as the same can be done without prejudice to existing rights, and to substitute therefor the mortgage or mortgages hereby authorized, which substituted mortgages shall expressly reserve all rights which may have been acquired under the existing mortgage: Provided, That the aggregate of the said bonds to be issued under and secured by said mortgage or mortgages shall not exceed the limit heretofore fixed by Congress; and said mortgages for the division east of Fort Worth shall embrace the roads and property of the Southern Pacific Railroad Company and of the Southern Transcontinental Railway Company, heretofore merged in and consolidated with the said Texas and Pacific Railway Company under the authority and requirements of the laws of the State of Texas; and which roads so merged as aforesaid shall for that and all other purposes be deemed and taken to be a part of the said Texas and Pacific Railway, and shall hereafter be subject to all the provisions and limitations of the act of Congress incorporating said company and of the supplements thereto: And provided further, That nothing in this act shall be construed or have the effect to entitle said corporation to any other or further rights to public lands or in any other respect as against the United States than such as by law it is now entitled to.*

Mr. HOUGHTON. I move that the rules be suspended and this bill be passed. It has been considered by the Committee on the Pacific Railroad; and I am authorized by that committee to recommend its passage.

Mr. SPEER. I hope that the gentleman from California [Mr. HOUGHTON] will be allowed to explain to the House the effect of this bill. The bill is right. It is only necessary that the House should understand its provisions in order to secure its passage.

Mr. HOLMAN. I understand it to be a consolidation of railroad interests.

Mr. SPEER. The bill grants no subsidy; it gives no lands; it

merely allows several mortgages to be taken where under the existing law only one mortgage can be taken. That is the practical effect of it. It does not injure the Government to the extent of a penny, but it in express terms protects all existing rights.

The question being taken on the motion of Mr. HOUGHTON, there were—ayes 103, noes 44.

Mr. HOLMAN. I desire to call the yeas and nays on this question, though I hardly expect to obtain them against a railroad corporation.

Mr. SPEER. That is an unjust insinuation against an honest bill.

Mr. STORM. Then why does not the gentleman help us to get the yeas and nays?

Mr. SPEER. I will do so with pleasure.

The yeas and nays were not ordered; there being ayes 12, noes not counted.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

#### CONTRACTORS FOR WAR VESSELS.

The next business on the Speaker's table was the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and machinery.

The bill was read, as follows:

*Be it enacted, etc.,* That the claims for building vessels of war and constructing steam-machinery, referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery," approved March 2, 1867, be, and the same are hereby, referred to the Court of Claims, which is hereby vested with authority and jurisdiction to hear and determine the respective claims of the several parties: *Provided, however,* That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam-machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further,* That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further,* That all moneys paid to said contractors by the Government over and above the original contract price for the building of said vessels and the construction of said machinery shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides, and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further,* That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amount thereof be deducted from any allowance to be made by said court to said claimants: *And provided further,* That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. HAZELTON, of Wisconsin. I move that the rules be suspended and that this bill be passed. A corresponding bill of the House has already been approved by the Committee on War Claims.

Mr. KELLOGG. The bill has been acted upon favorably by the Committee on War Claims.

Mr. LAWRENCE. It has never been acted on by the Committee on War Claims.

Mr. HAZELTON, of Wisconsin. A corresponding bill has been.

Mr. LAWRENCE. This bill involves a great deal more.

Mr. ARCHER. It involves \$7,000,000.

Mr. NEGLEY. It does not involve \$7,000,000.

Mr. HOLMAN. I wish to make a parliamentary inquiry. May not the reading of a report be required upon a motion to suspend the rules and pass a bill?

The SPEAKER. The motion is to suspend the rules and pass the bill.

Mr. HOLMAN. I move the rules be suspended and the report read.

The SPEAKER. The Chair has recognized the gentleman from Wisconsin because he reported a bill somewhat similar in title from the Committee on War Claims, which bill is now before the Committee of the Whole on the Private Calendar.

Mr. ARCHER. It is not the same bill which is in the Committee of the Whole on the Private Calendar.

Mr. RANDALL. I should like to know whether it is not in order to suspend the rules for the report to be read. These reports are prepared for the information of the House.

The SPEAKER. That motion will not be in order any more than a motion to suspend the rules and allow a member to speak for an hour. Besides, there is already one motion to suspend the rules pending. The motion of the gentleman from Wisconsin [Mr. HAZELTON] is the motion in order under the order by which the House has proceeded to the consideration of the business upon the Speaker's table. Is there a second to the motion to suspend the rules?

Mr. HAZELTON of Wisconsin, and Mr. HOLMAN, were appointed tellers.

The House divided; and the tellers reported—ayes 95, noes 51.

So the motion to suspend the rules was seconded.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. I ask that the bill be again read.

The bill was again read.

The question was taken; and it was decided in the negative—yeas 115, nays 109, not voting 65; as follows:

YEAS—Messrs. Albert, Arthur, Averill, Banning, Barnum, Barrere, Bass, Bell, Bland, Bradley, Buffinton, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Amos Clark, jr., John B. Clark, jr., Clinton L. Cobb, Comingo, Cook, Corwin, Cox, Creamer, Crooke, Crouse, Crutchfield, Danford, Davis, Dawes, Dobbins, Dunnell, Eames, Eldredge, Foster, Frye, Gooch, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, John T. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hynes, Kelley, Kellogg, Knapp, Lansing, Lewis, Lofland, Lowe, Lowndes, Morey, Negley, Nesmith, Niles, O'Neill, Orr, Orth, Page, Hosca, W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Poland, Rainey, Rapier, Rice, James C. Robinson, Rusk, Sawyer, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Sloan, Sloss, H. Boardman Smith, Stanard, Starkweather, St. John, Stone, Strawbridge, Thornburgh, Tremaine, Wallace, Walls, Jasper D. Ward, Wells, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, Woodford, and Pierce M. B. Young—115.

NAYS—Messrs. Adams, Archer, Ashe, Atkins, Beck, Begole, Berry, Biery, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Caldwell, Cannon, Cason, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cotton, Crittenden, Crossland, Curtis, Donnan, Durham, Field, Giddings, Gunckel, Gunter, Robert S. Hale, Hamilton, Henry R. Harris, Hatcher, John B. Hawley, Hereford, Holman, Hoskins, Hubbell, Hunter, Hanton, Hurlbut, Hyde, Kasson, Kendall, Lenport, Lawrence, Lawson, Loughridge, Luttrell, Magee, McCrary, James W. McMill, MacDougall, McKunkin, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Neal, O'Brien, Packard, Thomas C. Platt, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Saylor, John G. Schumaker, Scofield, Sener, Sherwood, Small, Smart, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Storm, Strait, Sypher, Christopher Y. Thomas, Todd, Townsend, Vance, Waldron, White, Whitehead, Whitthorne, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—109.

NOT VOTING—Messrs. Albright, Barber, Barry, Burrows, Freeman Clarke, Clayton, Crocker, Darrall, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Garfield, Glover, Harmer, Havens, Hersey, Jewett, Killinger, Lamar, Lamson, Leach, Lynch, Marshall, Martin, Maynard, Alexander S. McMill, McKee, McLean, McNulta, Mitchell, Myers, Niblack, Nunn, Packer, Pelham, Phillips, Potter, Pratt, Purman, Ransier, Ray, Richmond, William R. Roberts, Sessions, Sheldon, Lazarus D. Shoemaker, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Stowell, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Marcus L. Ward, Wheeler, Whitehouse, and Wood—65.

#### DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and 1874, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 10, 11, 12.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 4, 8, 13, 17, 20, 21, 22, 23, 24, 28, 31, 35, 36, 37, 44.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 42, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 18, and agree to the same, as follows, namely: Substitute for the words stricken out the following:

*Provided,* That none of the moneys hereby appropriated for the payment of deficiencies in the Indian service shall be paid until the necessity for the expenditures shall have been examined into by the Secretary of the Interior and any existing board of peace commissioners.

And the Senate agree to the same.

That the Senate recede from their amendment numbered 30, with an amendment as follows: Add after the word "Congress" at the close of the paragraph these words: "And the unexpended balance of the appropriation for wrapping-paper provided for in the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874, is hereby made available for the purchase of wrapping-paper and twine;" and the House agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out all of the said amendment after the word "the" in line 2 of said amendment, and insert the following: "Remainder of the Forty-third Congress not already paid for, \$42,364, in lieu of all compensation otherwise provided for;" and the Senate agree to the same.

That the House recede from their amendment to the amendment of the Senate numbered 41, and the Senate recede from their amendment, and agree to the following as a substitute for the original paragraph, namely:

To pay the five Official Reporters of the proceedings and debates of the House for the remainder of the Forty-third Congress, \$24,815; and hereafter the pay of the Official Reporters of the proceedings and debates of each House shall be \$50,000, and the pay of official reporters of committees of the House shall be \$5,000 each per annum, and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees.

And the House agree to the same.

That the House recede from their disagreement to the amendment numbered 43, and agree to the same with an amendment as follows: Insert after the word "erection" in line 4, page 30 of the bill, the words "and furnishing;" and insert after the word "building," in same line and page, the words "and grounds;" and insert after the word "money," line 9, same page, the words "or any part thereof;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Add after the word "dollars," in said amendment, the following:

For Army pensions and expenses thereof under the various acts of Congress, \$300,000; and there is hereby appropriated a sum sufficient to make the compensation of the clerk of the House Committee on Invalid Pensions equal to \$2,160 per annum for the Forty-Third Congress, and no longer.

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 14, and agree to the same with an amendment as follows: Strike out the word "five" from said amendment and insert in lieu thereof the word "three," and after the



word "hundred" in line 21, page 17 of the bill, insert the words "and fifty;" and the Senate agree to the same.

JAMES A. GARFIELD,  
EUGENE HALE,  
*Managers on the part of the House.*  
A. A. SARGENT,  
LOT M. MORRILL,  
JAMES K. KELLY,  
*Managers on the part of the Senate.*

Mr. GARFIELD. If any gentleman desires to put any questions in regard to this conference report I shall be happy to answer them.

Mr. HOLMAN. I hope the gentleman from Ohio will explain the new features which are incorporated into this bill by the conference committee. And I wish to ask him to what extent the committee have increased the compensation of the reporters of the Senate. I observe from the reading of the report that the pay of the reporters of committees and the reporters of the debates of the House is put at \$5,000. What is the increase in the compensation of the Senate reporters?

Mr. GARFIELD. No new matter has been introduced into this report except two subjects that were referred to the conference committee by the House itself. One was a letter from the Secretary of the Interior, informing the House that there would be a deficiency of \$300,000 in the appropriation for Army pensions. That has been incorporated into this bill. There has also been referred to us a resolution of the House in regard to the clerk of the Committee on Pensions, a cognate subject.

In answer to the question of the gentleman from Indiana, I will state that the House, it will be remembered, by a very decided majority raised the pay of the reporters of the debates of the House to \$5,000 each, instead of a salary of \$4,200 as provided earlier in the session. The only change that has been made in that regard is that the managers of the conference on the part of the Senate insisted that the Senate reporters should have equal payment with ours. Although it was admitted that we had more columns of actual report during the session—during this session at least—than the Senate, yet it was suggested that the Senate had an extra executive session after the House adjourns, sometimes lasting a month. They furthermore insisted, and it is true, that there are far more speeches in the House merely printed, not actually delivered, than there are in the Senate, and hence that their reporters had more actual reporting of the proceedings in proportion to the number of pages covered than the reporters of the House. On this ground it seemed to us reasonable that the same amount should be paid to the Senate reporters as to ours. We therefore concur in the amendment with regard to the Senate reporters, with an amendment allowing to the Senate reporters the same pay as to the reporters of the House.

If there is any question which any gentleman desires to ask in relation to any other matter, I shall be glad to answer it. I may remark that there were forty-four amendments in difference between the two Houses. On four the Senate receded absolutely; on sixteen the House receded absolutely; and on the remaining twenty-four there were meetings by mutual concession on the part of the two Houses.

Mr. STARKWEATHER. I wish to ask the gentleman from Ohio what has been done with regard to the deficiency for the Indian service?

Mr. GARFIELD. In regard to that we found the same difficulty that was met to-day in connection with the Indian appropriation bill, and we exactly split the difference after a very long contest.

Mr. STARKWEATHER. How much increase is it over the House appropriation?

Mr. GARFIELD. The amount in the report is \$150,000 less than the Senate had insisted on, and \$150,000 more than the House originally adopted. We exactly divided the difference between the two Houses on that subject.

Mr. HOLMAN. The deficiency alluded to by the chairman of the Committee on Appropriations as having been referred to the committee of conference, and which was reported to the House from the Pension Bureau, is I believe an entirely new feature in our legislative history. I hope, inasmuch as there is no objection at all, I presume, to that feature of the report of the conference committee being adopted, that the fact shall appear upon the record that it was done by unanimous consent. But I do insist that as a question of parliamentary law the subject could not properly be referred to that committee. But this proposition having been referred to the committee of conference without objection, and coming from it without objection, it will establish no precedent.

Mr. GARFIELD. I think this is a very important matter, and I should be glad to hear from the Chair if there is any precedent for one House referring a new matter to a committee of conference that is not one of the subjects in dispute between the two Houses. In this case it has worked very well. It was vitally important that this matter should come before the committee of conference, for it was discovered that a deficiency was likely to arise in the amount necessary to pay the pensions of Army pensioners for this year. The gentleman from Indiana, [Mr. HOLMAN,] although he does not wish to make any point in this case, raises the question as to what is the parliamentary rule, and I should be glad to know of the Speaker whether under the rules there is anything unusual or out of order in one House referring a new matter to a conference committee.

Mr. HOLMAN. I desire to submit a remark upon this subject. This report really comes in by unanimous consent, because the new matter which has been referred to the committee of conference was referred to the committee by unanimous consent and is reported by unanimous consent; but the proposition I desire to submit is this, that there is certainly no precedent for such action on the part of one House of Congress, and it should appear rather as being by the unanimous action of the House than as the result of a decision of the Chair that such a proceeding is in order.

The SPEAKER. The gentleman from Indiana will remember that the Chair did not rule that without unanimous consent a new matter could be referred to a committee of conference after it had been appointed. On that ground the Chair would have been bound to rule it out.

Mr. HOLMAN. I am very glad to hear that decision from the Chair.

The SPEAKER. It was only on account of the extraordinary exigency of the case that this matter was admitted and referred by unanimous consent.

Mr. GARFIELD. I will state that this report is the unanimous report of the committee of conference; but the gentleman from Maryland, [Mr. SWANN,] one of the conferees, is absent this evening, and we were unable to obtain his signature to the report. I now call for a vote.

The question was taken, and the report of the committee of conference was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The message further announced that the Senate had passed, without amendment, the bill of the House No. 2801 to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. GARFIELD. I hope the House will not adjourn. We should get two more conference committees appointed before we adjourn. I will state that the Senate has now concluded its work upon the sundry civil appropriation bill. We want to get it here so that it may be referred to the Committee on Appropriations, and then we can adjourn until early on Monday morning. I believe that the committee of conference on the Indian appropriation bill are very nearly ready to report.

Mr. HOLMAN. I desire to move that the House take a recess for fifteen minutes, but I will yield to the gentleman from South Carolina, [Mr. RANSIER.]

#### CUBAN PATRIOTS.

Mr. RANSIER. I ask unanimous consent to offer the resolution which I send to the Clerk's desk.

Mr. PLATT, of Virginia. If that requires unanimous consent I object.

The SPEAKER. The gentleman from South Carolina desires that his resolution shall be read.

Mr. PLATT, of Virginia. I object.

The SPEAKER. Does the gentleman object to the reading?

Mr. PLATT, of Virginia. Yes, sir; I object.

Mr. RANSIER. I trust that the gentleman will as a matter of courtesy withdraw his objection, and allow the resolution to be read.

Mr. PLATT, of Virginia. Very well, sir; I withdraw it.

The Clerk read the resolution proposed by Mr. RANSIER, as follows:

*Resolved*, That the patriots in Cuba, for their constancy and courage manifested in a struggle of nearly six years' duration to accomplish the abolition of slavery and the slave trade, and to establish the just equality of all men in the enjoyment of civil and political rights, as well as for their unwavering devotion to the spirit and form of a republican government, and their heroic sacrifice of life and property in the maintenance of the same, are entitled to the unqualified sympathy of the friends of free government throughout the world.

Mr. GARFIELD. I object to the resolution.

Mr. RANSIER. I move that the rules be suspended and the resolution passed.

The SPEAKER. The rules cannot be suspended, because the House is now acting under a suspension of the rules.

Mr. RANSIER. Then I ask the privilege of having the resolution printed in the RECORD and referred to the Committee on Foreign Affairs.

Several members objected.

#### SAINT CROIX RAILROAD.

The next business on the Speaker's table was the bill (S. No. 655) to extend the time for the completion of a railroad from the Saint Croix River or Lake between townships 25 and 31, to the west end of Lake Superior, and to Bayfield in the State of Wisconsin.

Mr. HOLMAN. I move that the House now take a recess for fifteen minutes. It is reported that the Senate have concluded their consideration of the sundry civil appropriation bill and it will be over here in a few minutes.

The motion for a recess was not agreed to; upon a division—ayes 33, noes not counted.

The House resumed the consideration of Senate bill No. 654.

Mr. SAWYER. I will yield to the gentleman from Michigan, [Mr. BRADLEY,] who is a member of the Committee on the Public Lands, and who desires to move a substitute for this bill.

Mr. RANDALL. This is the celebrated Proctor Knott Du Luth bill.

Mr. BRADLEY. I move that this bill be passed with a substitute which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That the time for the completion of the railroad from the Saint Croix River or Lake between townships 25 and 31, to the west end of Lake Superior, and to Bayfield in the State of Wisconsin, is hereby extended five years from the passage of this act, and that the act of Congress of June 3, 1856, and the act of May 5, 1864, enlarging the same to aid said State in the construction of said railroad, be, and the same is hereby, continued in full force to said State until the expiration of the said five years: *Provided*, That the provisions of this act shall not apply to any lands that have been sold, entered under the homestead act, or upon which pre-emption rights have attached subsequent to May 5, 1864: *Provided further*, That no benefit shall be received under this act until the company or companies entitled to the same shall file an acceptance in writing with the Secretary of the Interior.

Mr. RANDALL. I move to amend by striking out "five years" and inserting "fifty years," so as to save the time of Congress in extending this grant.

Mr. SAWYER. It is not necessary to do that; I think we can get along with five years.

Mr. BRADLEY. I move to suspend the rules and pass the bill with the substitute which has been read.

Mr. O'BRIEN. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH, of Ohio. I rise to a parliamentary question. Do we not have to take a vote on the substitute before we vote on the passage of the bill?

The SPEAKER. The motion is to suspend the rules and pass the bill as proposed to be amended.

Mr. RANDALL. What became of my amendment to make it fifty years?

The SPEAKER. That was not in order.

The question was taken; and there were—yeas 92, nays 95, not voting 102; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Bell, Bradley, Burleigh, Benjamin F. Butler, Roderick B. Butler, Cain, Cassa, Clinton L. Cobb, Conger, Cook, Creamer, Crooke, Cronse, Crutcher, Dawes, Dobbins, Donnan, Dunnell, Eames, Eldredge, Giddings, Gooch, Hagans, Robert S. Hale, Benjamin W. Harris, Henry R. Harris, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Houghton, Hubbell, Kelley, Lansing, Lewis, Lofland, Lowndes, Lynch, McCrary, Alexander S. McDill, McLean, Moore, Morey, Negley, Nesmith, Orr, Pierce, James H. Platt, Jr., Poland, Rainey, Ransier, Rapier, Rice, Rusk, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sheldon, Sloan, Sloss, George L. Smith, Stanard, Standiford, St. John, Strutt, Strawbridge, Christopher Y. Thomas, Townsend, Tremain, Vance, Waldron, Wallace, Walls, Marcus L. Ward, White, Whitehead, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, John D. Young, and Pierce M. B. Young—92.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Barnum, Bass, Berry, Biery, Bland, Blount, Bowen, Bromberg, Brown, Buffinton, Burchard, Caldwell, Cannon, Cason, John B. Clark, Jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Cox, Curtis, Danford, Davis, Durham, Fort, Foster, Guncel, Gunter, Hamilton, Hancock, John T. Harris, Harrison, Hatcher, John B. Hawley, Holman, Hoskins, Howe, Hunter, Hyde, Kasson, Kendall, Lawrence, Lawson, Magee, Marshall, MacDougall, McJunkin, Merriam, Milliken, Mills, Monroe, Morrison, Neal, O'Brien, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Thomas C. Platt, Randall, Ray, Robbins, Ellis H. Roberts, James W. Robinson, Henry B. Saylor, John G. Schumaker, Sessions, Shanks, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, J. Anbler Smith, John Q. Smith, Speer, Sprague, Stone, Storm, Thornburgh, Todd, Wells, Whitehouse, Whitthorne, Charles W. Willard, William Williams, William B. Williams, James Wilson, and Wolfe—95.

NOT VOTING—Messrs. Adams, Bauning, Barrere, Barry, Beck, Begole, Bright, Buckner, Bundy, Burrows, Amos Clark, Jr., Freeman Clarke, Clayton, Corwin, Cotton, Crittenden, Crocker, Crossland, Darrall, DeWitt, Duell, Eden, Elliott, Farwell, Field, Freeman, Frye, Garfield, Glover, Eugene Hale, Harmer, Havens, Hereford, Hersey, Hooper, Hutton, Hurlbut, Hynes, Jewett, Kellogg, Killinger, Knapp, Lamar, Lamison, Lampert, Leach, Loughridge, Lowe, Luttrell, Martin, Maynard, James W. McDill, McKee, McNulta, Mitchell, Myers, Niblack, Niles, Nunn, O'Neill, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Potter, Pratt, Purman, Read, Richmond, William R. Roberts, James C. Robinson, Ross, Milton Saylor, Scofield, Sener, Sheets, Lazarus D. Shoemaker, Small, William A. Smith, Snyder, Southard, Starkweather, Stephens, Stowell, Swann, Sypher, Taylor, Charles R. Thomas, Tyner, Waddell, Jasper D. Ward, Wheeler, George Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, Woodford, and Woodworth—102.

So (two-thirds not voting in favor thereof) the rules were not suspended.

LEAVE TO PRINT.

Mr. WOODFORD asked and obtained leave to have printed in the RECORD, as a portion of the debates of this House, some remarks he had prepared upon the report of the committee of conference on the currency bill this day adopted by the House. (See Appendix.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2343) making appropriations for the

current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. SHANKS. I rise to a privileged report from the second conference committee on the disagreeing votes of the two Houses on the Indian appropriation bill. I will state that the only change that we have made in the report of the former committee of conference is in relation to the forty-sixth and forty-seventh amendments of the Senate concerning the Apache Indians. I would suggest that in order to save time only that portion of the report need now be read.

The SPEAKER. If there be no objection that will be done.

There was no objection.

The Clerk read as follows:

That the House recede from their disagreement to the amendment numbered 46 and agree to the same with an amendment as follows:

In lieu of the sum proposed to be inserted by said Senate amendment insert the sum of \$375,000.

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 47, and agree to the same with an amendment, as follows:

Strike out the word "fifty," and insert in lieu thereof the word "twenty-five."

And the Senate agree to the same.

The report of the committee of conference was agreed to.

SUNDY CIVIL APPROPRIATION BILL.

Mr. DAWES. I move, Mr. Speaker, that the House take a recess from now until half-past ten o'clock on Monday morning. I am informed it will be some hours before the sundry civil appropriation reaches the House from the Senate, and that an arrangement will then be made by which it can be informally submitted to the Committee on Appropriations as if done by a vote of the House, so that everything will be accomplished that could be by our remaining here.

MAIL CONTRACTS.

Mr. PACKER, from the Committee on the Post-Office and Post-Roads, submitted a report in regard to mail contracts and temporary service; which was laid upon the table and ordered to be printed.

MRS. GATES.

Mr. RANDALL. Before we take a recess, Mr. Speaker, I wish to withdraw my objection to the bill for the relief of Mrs. Gates to which I objected this morning. I find I was wrong and now wish to put myself right as soon as possible.

Mr. DUNNELL. Mr. Speaker, the gentleman from Pennsylvania having withdrawn his objection to the bill, I now ask to have put on its passage a bill (H. R. No. 3774) for the relief of the widow and children of Colonel William Gates, United States Army.

The bill was read. It authorizes and directs the Secretary of the Treasury to ascertain the value of the property lost by Colonel William Gates, of the United States Army, who was on board the steamship San Francisco in the month of December, 1853, when she was wrecked between New York and San Francisco, said property consisting of furniture, wearing apparel, &c., of his family then on board, and the amount so ascertained shall be paid out of any money in the Treasury not otherwise appropriated; provided that no allowance be made for any property except such as was necessary and proper for an officer of that grade ordered on such service; and further provided, that such amount as may have been received by said Gates, if any, for property lost, under the law of March 27, 1854, be deducted from whatever may be adjudged to be due him under the act previous to the payment of the same, and the sum so found due shall be paid.

Mr. DUNNELL. This is the unanimous report of the Committee on Claims.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed unanimously.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVING OBSTRUCTIONS IN THE RED RIVER, ETC.

Mr. SMITH, of Louisiana, by unanimous consent, introduced a bill (H. R. No. 3775) authorizing the Secretary of War to use certain unexpended balances of appropriations for dredging bars and removing obstructions in the Red, Ouachita, and Atchafalaya Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NEW STATE OUT OF TEXAS AND LOUISIANA.

Mr. SMITH, of Louisiana, also, by unanimous consent, introduced a bill (H. R. No. 3776) for the erection of a new State out of certain portions of the States of Texas and Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

And then, on motion of Mr. DAWES, (at eleven o'clock and forty minutes p. m.,) the House took a recess until Monday morning at half-past ten o'clock.



## AFTER RECESS.

The recess having expired, the House (at ten o'clock and thirty minutes a. m. Monday, June 22) resumed its session.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the concurrent resolution of the House for correcting an error in the enrollment of the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; and

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

A bill (H. R. No. 3772) for the relief of John D. Young.

The message also announced that the Senate had receded from its amendment to the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery.

## LEAVE TO PRINT.

Mr. MONROE, by unanimous consent, obtained leave to print in the RECORD some remarks on the currency bill. (See Appendix.)

## THOMAS H. MARSTON.

Mr. COX. I offer the following resolution:

*Resolved*, That Thomas H. Marston, door-keeper of the reporters' gallery of the House of Representatives, be continued on the rolls during the recess of Congress at the present rate of compensation, to be paid out of the contingent fund of the House.

Mr. GARFIELD. That cannot be done under the rules.

Mr. COX. It was done under the rules last session.

Mr. GARFIELD. It has to be done by law.

Mr. COX. I move that the resolution be referred to the Committee on Accounts, with the right to report at any time.

The motion was agreed to.

## WILLIAM TOD HELMUTH.

Mr. SCHUMAKER, of New York. I move that the Committee on the Library be discharged from the further consideration of the bill (H. R. No. 3506) for the relief William Tod Helmuth, of New York, and that the same be passed.

The bill was read. In its preamble it states that William Tod Helmuth, M. D., of the city of New York, has composed and is the author of a book entitled "A System of Surgery, by Wm. Tod Helmuth, M. D.," in the entering of the title of which book with the Librarian of Congress at Washington, on or about the 22d day of August, 1872, an imperfect copy of the title thereof was deposited, and the act relating to copyrights has been otherwise not complied with, but without any improper intent on the part of said William Tod Helmuth, M. D. The bill therefore provides that William Tod Helmuth, M. D., the author of the book entitled "A System of Surgery, by Wm. Tod Helmuth, M. D.," may, within ninety days from the passage of the act, enter an amended and corrected title of the book, and deposit two copies of said book with the Librarian of Congress at Washington, who is directed to receive the same; and that upon complying with this law, the right of said William Tod Helmuth, M. D., to his said book, and to the copyright thereof, shall be the same in all respects as though all the requirements of the copyright laws of the United States had been duly complied with when said imperfect title was first recorded with the Librarian of Congress in 1872, and when said book was first published. And it shall not be necessary for said William Tod Helmuth, M. D., to insert in the copies of such book any other or further notice of copyright thereto than would have been required had the copyright laws been originally duly complied with.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

## ALEXANDER HENDERSON.

Mr. ALBERT. I ask unanimous consent to report back from the Committee on Foreign Affairs, with the recommendation that it do pass, the bill (S. No. 828) for the relief of Alexander Henderson.

The bill was read. It directs the Treasurer of the United States to pay to Alexander Henderson \$234.71 for balance due him as late consul at Londonderry, in Ireland.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## DR. MARY E. WALKER.

Mr. SCUDDER, of New York. I ask unanimous consent to report from the Committee on War Claims the bill for the relief of Dr. Mary E. Walker.

The bill was read.

Mr. CRUTCHFIELD. I object.

## REPORT OF COMMISSIONERS TO VIENNA EXPOSITION.

Mr. DONNAN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

*Resolved by the House of Representatives, (the Senate concurring.)* That of the reports of the United States commissioners to the Vienna exposition there shall be printed, under the direction of the Secretary of State, four thousand copies for the House, two thousand copies for the Senate, and one thousand copies for the Secretary of State.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## REPORT OF CHIEF SIGNAL OFFICER.

Mr. DONNAN, from the same committee, reported back the following Senate concurrent resolution with the recommendation that it be concurred in:

*Resolved by the Senate, (the House of Representatives concurring.)* That two thousand copies of the report of the Chief Signal Officer for 1873 be printed and bound for the use of the Secretary of War.

The resolution was concurred in.

Mr. DONNAN moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## REPORT OF SUPERINTENDENT OF COAST SURVEY.

Mr. DONNAN, from the same committee, reported back the following Senate concurrent resolution, with the recommendation that it be concurred in:

*Resolved by the Senate, (the House of Representatives concurring.)* That there be printed of the report of the Superintendent of the Coast Survey for the year 1873 three thousand extra copies for the use of the Superintendent of the Coast Survey.

The report was concurred in.

Mr. DONNAN moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PRINTING OF NATIONAL-BANK NOTES, ETC.

Mr. MERRIAM. I offer the following resolution:

*Resolved*, That the Speaker be, and he is hereby, authorized to appoint a committee of three to examine into the printing of national-bank notes, cost of paper, and other materials, and the general management of the affairs in the office of the Comptroller of the Currency, said committee to report to Congress at the next session.

The SPEAKER. If the gentleman intends that power shall be given to the committee to sit during the recess, the resolution, as worded, will not do that.

Mr. MERRIAM. I desire to have that power, and will modify the resolution accordingly.

Mr. HURLBUT. I object to the present consideration of the resolution.

## ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington;

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau;

An act (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina;"

An act (H. R. No. 352) for the relief of Colonel E. McCarty;

An act (H. R. No. 753) for the relief of Peter S. Patton;

An act (H. R. No. 764) for the relief of John Dold;

An act (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico;

An act (H. R. No. 1578) for the relief of Martin Kalbfleisch's sons;

An act (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

An act (H. R. No. 1774) for the relief of Matthias Whitehead;

An act (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

An act (H. R. No. 2270) making an appropriation to pay Emanuel Small and James Tate, of Atchison County, Missouri, for carrying the mails;

An act (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan;

An act (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and for the purchase of a new site

and erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania;

An act (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy;

An act (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation;

An act (H. R. No. 3162) for the relief of settlers on railroad lands;

An act (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes;

An act (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri;

An act (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

An act (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

An act (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases;

An act (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

An act (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes;

An act (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

An act (H. R. No. 3522) to extend the jurisdiction of the Light-House Board;

An act (H. R. No. 3757) for the transfer of twenty bronze cannon for the erection of a statue to the late Major-General George Gordon Meade;

An act (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York;

An act (S. No. 486) to extend the act of March 10, 1873, entitled "An act to extend the time of the Saint Paul and Pacific Railroad Company for the completion of its road;"

An act (H. R. No. 2343) making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1875, and for other purposes; and

An act (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioner of claims under the act of Congress of March 3, 1871.

#### SOUTHERN CLAIMS COMMISSION.

Mr. YOUNG, of Georgia, by unanimous consent, introduced a bill (H. R. No. 3777) to provide for the discontinuance of the southern claims commission; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### CONTRACTS FOR INDIAN SUPPLIES.

Mr. AVERILL. I am directed by the Committee on Indian Affairs to report the evidence taken by that committee touching the awarding and execution of contracts for Indian supplies and transportation for the fiscal years ending June 30, 1873, and June 30, 1874. I move that the report with the accompanying documents be printed and laid on the table, and that the committee be discharged from the further consideration of the subject.

Mr. ADAMS. I object to that action if I have the right.

The SPEAKER. As objection is made, the report may be printed and recommitted.

Mr. ADAMS. I object, for the reason that, as a member of the committee, I desire to make a minority report.

Mr. AVERILL. The committee was authorized to report at any time. This is a privileged report. I ask that the committee may be discharged.

Mr. ADAMS. But the resolution giving the committee authority to report at any time did not contemplate that the House should act on the subject immediately upon the making of the report. I object to the present consideration of the report.

Mr. AVERILL. I submit that the gentleman has no right to object. I move the previous question.

The SPEAKER. As objection is made, the report will be printed and recommitted. This question between the gentlemen can be settled hereafter.

#### REORGANIZATION OF TREASURY DEPARTMENT.

Mr. KELLOGG. I ask unanimous consent to offer the following resolution:

*Resolved*, That the sub-committee upon the bill for reorganizing the Treasury Department have leave to sit at their own expense during the vacation for the purpose of completing the bill for the reorganization of said Department.

Mr. SPEER. I objected to a resolution of this kind on Saturday evening, but as now modified I think it is right.

Mr. G. F. HOAR. I must object to the resolution unless the gentleman from Connecticut [Mr. KELLOGG] will strike out the words "at their own expense."

Mr. KELLOGG. I will do so.

Mr. G. F. HOAR. I do not think that this House ought to charge a committee with an official duty and then compel it to pay its own expenses.

Mr. ELLIS H. ROBERTS. I object to the resolution absolutely.

#### MISCELLANEOUS APPROPRIATION BILL.

Mr. GARFIELD. I report back from the Committee on Appropriations the amendments of the Senate to the sundry civil appropriation bill. We have not had the time to have printed the report on the subject; and I request that the Speaker may announce as each amendment is read the recommendation of the committee.

Mr. SPEER. What is the aggregate amount which the Senate has added to this bill?

Mr. GARFIELD. The Senate has added about \$4,500,000 to the bill as it left the House. Most of this increase is in two or three large amounts, which will be discussed as we reach them in order. The Committee on Appropriations of the House spent four or five hours yesterday (I am sorry to say we were compelled to sit yesterday) in going carefully over these amendments. I move that the House now proceed to consider the amendments under the five-minute rule.

The SPEAKER. There being no objection, that order will be made.

The amendments of the Senate were read, and, except in the cases noted below, were severally concurred or non-concurred in *nem. con.*, according to the recommendations of the Committee on Appropriations.

The first amendment of the Senate was read, as follows:

In the paragraph making appropriations for printing of the various Departments strike out the following:

And the amounts herein designated for the several Executive Departments may be distributed to the Bureaus thereof, at the discretion of the head of each Department, who shall certify such distribution to the Public Printer.

And insert the following:

*Provided*, That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress: *Provided, however*, That no expensive maps or illustrations shall be printed without the special order of Congress.

The Committee on Appropriations recommended concurrence.

Mr. RANDALL. I would like the chairman of the committee [Mr. GARFIELD] to state with whom is left the discretion to designate the number of these reports to be printed.

Mr. GARFIELD. This amendment is, we believe, in the interest of economy—

Mr. RANDALL. I know that; but who has the discretion as to the limitation of the number of the annual reports?

Mr. GARFIELD. The heads of the various Departments.

Mr. RANDALL. They will still have that discretion?

Mr. GARFIELD. This provision takes it out of the power of Bureau officers to order large numbers of these documents. I think it is right and ought to be concurred in.

The amendment was concurred in.

The fourth amendment was read, as follows:

On page 4 of the printed bill insert the following new paragraph:

For establishing new life-saving stations on the sea and lake coasts of the United States, as authorized by law of the present Congress, \$342,304.44.

The Committee on Appropriations recommended concurrence.

Mr. SPEER. Will the chairman of the Committee on Appropriations please state why concurrence is recommended? I understand the reason; but I want it to appear on the record.

Mr. GARFIELD. Because a law was passed a few days ago enlarging the number of life-saving stations.

Mr. SPEER. That has become a law since this bill passed the House?

Mr. GARFIELD. Yes, sir; and this appropriation is necessary to conform to the law as it now stands.

The sixth amendment was read, as follows:

For the purchase of an engine and machinery, and for the erection and expenses incident to its operation, for the maceration of national-bank notes, United States notes, and other obligations of the United States authorized to be destroyed, \$10,000; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of sections 24 and 43 of the national currency act as requires national-bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury.

Mr. GARFIELD. I wish to state to the House that this is a question of cremation or maceration. I am personally of the opinion that it is cheaper to treat the mutilated notes that have to be destroyed in the manner suggested by this amendment than in any other way. It is a matter upon which I should be glad to have the judgment of the House.

Mr. MERRIAM. It is the unanimous opinion of the Committee on Banking and Currency that this is the proper mode of disposing of mutilated notes.

Mr. GARFIELD. Since the committee examined and reported upon these amendments we have found that the Committee on Banking and Currency unanimously recommended this provision, and therefore I feel authorized to change the recommendation of the committee.

The amendment was concurred in.

Mr. DAWES. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten o'clock and fifty-eight minutes a. m.) the House adjourned.



## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: The petition of citizens of Brodhead, Wisconsin, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. CROUNSE: The petitions of grange organizations and citizens of Elmeruk and York, Nebraska, of similar import, to the same committee.

By Mr. DUNNELL: The petition of citizens of Freeborn County, Minnesota, of similar import, to the same committee.

By Mr. EAMES: The petition of Charles H. Arnold and 27 others, of Rhode Island, masters and owners of vessels, for the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. LOFLAND: The petition of N. H. Coverdale, for relief, to the Committee on Claims.

By Mr. MCCRARY: The petition of the grange organization of Mount Pleasant, Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. ORR: The petition of citizens of Story County, Iowa, of similar import, to the same committee.

Also, the petition of citizens of Calhoun County, Iowa, of similar import, to the same committee.

By Mr. PACKARD: The petition of citizens of Newton County, Indiana, of similar import, to the same committee.

By Mr. RAY: The petition of grange organizations of Warren County, Illinois, of similar import, to the same committee.

By Mr. ELLIS H. ROBERTS: The petition of Evan Jones, in relation to the duty on crude petroleum oil, to the Committee on Ways and Means.

By Mr. STANDIFORD: The petitions of Louis Surkant, Frank Fenster, William McDowell, and Samuel Sutterfield, respectively, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. STRAIT: The petitions of grange organizations of Nicolet County, Minnesota, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. TYNER: The petition of citizens of Howard County, Indiana, of similar import, to the same committee.

By Mr. VANCE: The petition of R. W. Hume and E. J. Arton and other citizens of Transylvania and Buncombe Counties, North Carolina, that French Broad River, from Brevard to Buncombe line, be declared a navigable river, and that an appropriation be made to remove obstructions therefrom, to the Committee on Commerce.

By Mr. WILLIAMS, of Michigan: The petition of Ravina Grange, Muskegon County, Michigan, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

## IN SENATE.

MONDAY, June 22, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Mr. SHERMAN. I move that the reading of the Journal be dispensed with, and I desire to state before the motion is put that I ask the attention of the Senate to the importance of passing at least a few clauses of the tariff and tax bill sent us by the House. I propose as soon as I can get the floor to call up that bill and ask the Senate to act only on such points in the House bill as to which there is no objection here. There are some few points in it that ought to be passed, for the benefit of the revenue, and to insure certainty in the revenue. I do not desire to act upon any matter which will give rise to debate. I am informed that if this course is pursued by the Senate we can promptly and without delay pass a few items of the bill as to internal revenue and as to customs duties which the Department are anxious and desirous we shall act upon without any prolonged debate.

Mr. RAMSEY. I entirely agree with the Senator from Ohio, and in this connection would give notice that the post-route bill is yet unacted upon. It is a long bill; the amendments are numerous and must go into the hands of the clerks to be engrossed and the whole bill to be enrolled unless you intend to lose it. If there is no objection, I ask the Senate now to act on it, concurring with the Senator from Ohio in all he has said about his bill.

Mr. SHERMAN. I move that the reading of the Journal be dispensed with with a view of taking up the tariff and tax bill. It will not take more than half an hour under this arrangement.

Mr. RAMSEY. Allow me first to pass the post-route bill so as to get it in the hands of the clerks.

Mr. SHERMAN. The tariff bill is of much more importance.

The PRESIDENT *pro tempore*. Is there objection to dispense with the reading of the Journal of Saturday's proceedings? The Chair hears no objection, and the reading is dispensed with.

## INSANE CONVICTS.

The PRESIDENT *pro tempore* appointed as conferees on the part of

the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. STEVENSON.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 3774) for the relief of the widow and children of General William Gates, United States Army, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road;"

A bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York;

A bill (H. R. No. 764) for the relief of John Dold;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871;

A bill (H. R. No. 1774) for the relief of Matthias Whitehead;

A bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

A bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

A bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases;

A bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and Joseph Tate, of Atchison County, Missouri, for carrying the mails;

A bill (H. R. No. 3757) for the appropriation of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade;

A bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's sons;

A bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes;

A bill (H. R. No. 1620) for the relief of John L. J. Jones, of Montgomery County, Maryland, for rent and damages sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters;

A bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes;

A bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan;

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation;

A bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy;

A bill (H. R. No. 352) for the relief of Colonel E. McCarty;

A bill (H. R. No. 753) for the relief of Peter S. Patton;

A bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

A bill (H. R. No. 1915) to remove the disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

A bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and

erection of a new marine hospital in the city of Pittsburgh, Pennsylvania;

A bill (H. R. No. 3162) for the relief of settlers on railroad lands;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under act of Congress of March 3, 1871;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri;

A bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

A bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board;

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau; and

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

#### EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the resolution of the House for printing copies of the report of the Commissioner of Education for 1873.

The amendment of the Senate was to make the resolution of the House read:

*Resolved, (the Senate concurring.)* That there be printed five thousand copies of the report of the Commissioner of Education for 1873, of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be sold at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

The House non-concurred in this amendment and asked for the appointment of a committee of conference.

Mr. ANTHONY. There is no time for a committee of conference to meet and report upon a matter of printing. I think the Senate had better settle this question now. The House passed a resolution to print twenty thousand copies of the report of the Commissioner of Education. The Senate amended the resolution by providing for printing five thousand, one-half for the Commissioner, the other half for sale at cost and 10 per cent. added. The House has non-concurred in that amendment and asks for a conference. The members of the House are very anxious to have this document printed. The number is very large, twenty thousand, and that being much more than the Senate have agreed to on any proposition, the Committee on Printing did not feel at liberty to recommend it. I would prefer to have the judgment of the Senate upon that, either to concur or non-concur.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island make a motion?

Mr. ANTHONY. I make a motion *pro forma*, to bring the question before the Senate, that the Senate recede, the effect of which will be to order twenty thousand to be printed.

Mr. SHERMAN. If the Senator will wait until we get the post-office appropriation bill acted on, I have no doubt the matter will be settled readily; but it cannot be done now.

Mr. ANTHONY. Let it lie over, then.

The PRESIDENT *pro tempore*. The matter will be laid aside.

#### TAX AND TARIFF BILL.

Mr. SHERMAN. I move now to proceed to the consideration of the bill (H. R. No. 3572) to amend existing customs and internal revenue laws, and for other purposes, giving notice that I do not intend to press any debatable matter?

Mr. SCHURZ. I would ask the Senator from Ohio whether he intends to drop those amendments that were reported by the Committee on Finance?

Mr. SHERMAN. O, no; not those to which there is no objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Finance with amendments.

The first amendment of the committee was in section 1, line 3, to strike out the words "date of the passage of this act" and insert 30th day of June, 1874;" so as to read:

That from and after the 30th day of June, 1874, in lieu of the duties heretofore imposed, &c.

The amendment was agreed to.

Mr. FRELINGHUYSEN. Do I understand the Senator from Ohio to say that anything to which there is objection is to be passed over or to be discussed?

Mr. SHERMAN. Any matter that gives rise to any considerable debate, any more than a passing comment, I propose shall be stricken out. I do not propose at this stage of the session to pass in this bill any matter on which there is a substantial difference of opinion, but to save for the revenue on this bill, which came to us so late that we cannot act on it in the usual way, such matters as give rise to no debate and no controversy.

#### THE POST-ROUTE BILL.

Mr. RAMSEY. I want to appeal to the Senator from Ohio to give way to me to pass the post-route bill. I think it will take but five minutes. Let the tariff bill be laid aside informally.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Minnesota?

Mr. SHERMAN. I expect that is the quickest way to satisfy my friend from Minnesota.

The PRESIDENT *pro tempore*. The Senator from Minnesota is recognized, and the post-route bill will be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3804) to establish certain post-routes.

Mr. DAVIS. I move to dispense with the reading of the bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, sir. No bill shall pass that is not read.

Mr. RAMSEY. I will state that there is nothing in the bill but an enumeration of the post-routes which it provides for.

Mr. MORRILL, of Maine. I want the Senator to tell the Senate what the enumeration is, how much it amounts to, and what service it provides for. This is the second installment this session. The first was a very big one.

Mr. RAMSEY. I suppose Congress will pass the bill finally. It has done so at every session since the Government began. There are about seven hundred routes in the bill.

Mr. MORRILL, of Maine. I am unwilling on that statement to allow the bill to pass.

Mr. SHERMAN. The reading of this bill being called for, I insist on the regular order.

#### STATUE OF ADMIRAL FARRAGUT.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that a motion was made on Saturday to reconsider the vote by which the Senate passed the joint resolution (H. R. No. 59) in regard to the statue of Admiral Farragut. A motion was made to lay the motion to reconsider on the table, and the Chair is informed that it is the universal custom of the Senate when a motion to reconsider is laid on the table to send the bill to the other House; but the Senator from Vermont [Mr. MORRILL] gave notice that he would call up this motion to reconsider, and therefore, out of courtesy to him, the Secretary has withheld the resolution for the present; but unless the Senate act upon it this morning or otherwise instruct the Secretary upon it he will, under the practice, have to send the resolution to the other House.

Mr. MORRILL, of Vermont. I simply desire to occupy the time of the Senate for a few moments in discussing the propriety of this measure and showing that there is a vital amendment that ought to be proposed to it.

Mr. SHERMAN. I am quite sure my friend from Vermont will not ask that, as he knows about as well as I that the tariff bill should not go over for anything of this kind now.

The PRESIDENT *pro tempore*. Very well; let the regular order proceed.

Mr. MORRILL, of Vermont. We can settle this matter after a while.

#### TAX AND TARIFF BILL.

The PRESIDENT *pro tempore*. The regular order is before the Senate, being the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, and the reading will be continued.

The Chief Clerk continued to read the bill. The next amendment of the Committee on Finance was in section 1, line 23, after the word "over," to insert the words "in value;" so as to read "25 per cent. or over in value of cotton, flax, wool, or worsted."

The PRESIDENT *pro tempore*. The amendment will be agreed to if there be no objection. The Chair hears none.

Mr. FRELINGHUYSEN. If this bill is going through at that rate I want to move on the second page, line 21, after the word "*ad valorem*," to insert:

On vulcanized India-rubber and all manufactures of the same, not otherwise provided for 35 per cent. *ad valorem*.

Mr. SHERMAN. I object. That raises a very troublesome question. I hope the Senators who look to this bill now will stand by the Committee on Finance and reject all amendments except such as are generally assented to. This is a proposition to introduce the subject of vulcanized rubber, a matter that has not been considered at all by the committee of either House. If we open any question of this kind the Senator from New Jersey will see that the passage of the bill now is defeated.

Mr. FRELINGHUYSEN. But this part of the bill does change the law and makes 60 per cent. duty on vulcanized Indian-rubber.

Mr. SHERMAN. I know that.

Mr. FRELINGHUYSEN. Then you are effecting an important change in the matter of vulcanized rubber.

Mr. SHERMAN. The law as it is now here is as it is understood in the Treasury Department and as it was acted upon, but it was reversed by an inconsiderate decision, as I think, recently, by which the revenue has suffered. This section simply returns to the law as it was understood.

Mr. FRELINGHUYSEN. The case is this: The Senator moves this important bill in the last hours of the session, when the understanding is that no new matter is to be introduced, and introduces a provision by which we increase from 35 to 60 per cent. *ad valorem* the duty on vulcanized rubber.

Mr. SHERMAN. I said no new matter other than that which is



already in the bill as sent to us by the House of Representatives. As a matter of course all this may be considered as new matter; but we introduce nothing; we propose no amendment of the law.

Mr. FRELINGHUYSEN. I will move it to another part of the bill.

Mr. SHERMAN. This part of the bill has nothing to do with rubber, except in connection with silk. Perhaps the Senator is mistaken about it. When rubber is used in silk goods, it may come in under this duty here fixed; but certainly the Senator's amendments ought not to be introduced here.

Mr. FRELINGHUYSEN. Very well.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Finance was to strike out "50" in line 6 of section 2, and insert "40;" so as to make the clause read:

On all still wines imported in casks, 40 cents per gallon.

Mr. SARGENT. I dislike very much to take up time in debate at this stage of the session; but at the same time the provision of the House bill is very reasonable in this matter and gives only fair protection to an immense interest and is in favor of pure wines. The section of the House bill interests not only California but Ohio and many other States where the American wine interest is growing to be a very important industry, and more especially is it important in my State where our hills are covered with the finest vineyards and where our processes for making wine are improving every year. I really hope that the amendment of the committee will be withdrawn and that we may stand on the House bill. Only the exigency of this being the last day of the session prevents me urging the case at greater length.

Mr. SHERMAN. I will state briefly to the Senate the whole of this matter. The present rate of duty actually collected on nearly all the wine imported into this country is 25 cents. It is a kind of specific and compound specific and *ad valorem* duty. That duty is very much evaded, and out of 8,000,000 gallons of wine imported, I think 6,000,000 come in at the rate of 25 cents. This is an increase of the duty on still wines and makes it uniform at 40 cents a gallon; and therefore it is largely in favor of the California and Ohio wine interest represented by the Senator from California and partly by myself. This was satisfactory to both sides. The trade desires a specific duty on all wines; and after the most careful examination and hearing both sides, both the wine-makers of the country and the wine importers, the committee decided to fix it at 40 cents. And we understood all were satisfied. We are assured that if the duty is put up to 50 cents a gallon, it will prohibit a large portion of wine now introduced, thus reducing the revenue instead of increasing it. The section as it now stands will give us perhaps \$1,000,000 more revenue from wine, and we regard it as the most important feature of this bill.

Mr. SARGENT. I ask my friend whether, this being a specific duty of 40 cents, there is not an opportunity to bring in wines heavily charged with alcohol and distill them into brandy?

Mr. SHERMAN. The Senator will see that the clause here provided is:

*Provided*, That any wines imported containing more than 24 per cent. of alcohol shall be forfeited to the United States.

Mr. SARGENT. I think this is a great relief, so far as it goes; but the amendment does not go quite so far as I want. I withdraw my objection; however, considering that it is some relief.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 2, line 8, to strike out "\$2" and insert "\$1.60;" so as to read:

On all still wines imported in bottles, \$1.60 per case of one dozen bottles, &c.

Mr. SHERMAN. That is part of the same matter.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 2, lines 18 to 23, inclusive, to strike out the following proviso:

*Provided, also*, That there shall be an allowance of 2 per cent. for leakage on the quantity which shall appear by the gauge to be contained in any cask of wines, and 5 per cent. on all wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage.

The amendment was agreed to.

The next amendment was to strike out line 8 of section 34 in the following words:

On hops, 10 cents per pound.

Mr. FERRY, of Michigan. I hope this amendment will not be concurred in. I am not disposed to debate the question at this time. It would be unreasonable to do so. We are raising hops to some extent, and under the present tariff of 5 per cent. that interest is not protected sufficiently, and the hop-growers feel as though in view of the large importations there should be an increase of the tariff.

Mr. SHERMAN. I can only say that the present duty on hops is 5 cents a pound, not 5 per cent. That is equivalent to about 33 per cent. on hops. If the people of our country cannot raise hops with a protection of 33 per cent., I think it is perfect folly for us to talk about protecting them. We heard both sides and we thought the duty on hops ought to stand as it is, 5 cents a pound.

Mr. FERRY, of Michigan. I call the Senator's attention to the point he has made that both sides were heard. He will remember that there were parties who wished to be heard, and on account of the shortness of time they were excluded.

Mr. SHERMAN. I think the Senator himself represented one side very well.

Mr. FERRY, of Michigan. I was merely reflecting others. I am not a grower of hops myself, nor a drinker of hops brewed, distilled, or otherwise. I was only representing the views of others, and I think the chairman will bear me out in the statement that I persisted in having the other side heard.

Mr. SHERMAN. Yes.

Mr. FERRY, of Michigan. The brewers and distillers of hops were heard largely, and I thought it was nothing more than fair that the growers should be heard. I hope that the amendment will be non-concurred in.

Mr. SHERMAN. I represent an agricultural State which grows some hops; and if we cannot compete in that simply agricultural product with a protective duty of 33 per cent., I think we ought to give up the raising of hops. We did hear the brewers who were very much opposed to this increase, and I thought we had heard the other side. However, the whole matter is in a nut-shell. Is not 33 per cent. a sufficient duty on hops?

Mr. WRIGHT. I only desire to say that there were two sides to the question in the committee, as the chairman will remember, and I desire that the vote shall be taken on the single proposition whether we shall strike out this item or not. It will be remembered that some members of the committee insisted on retaining the clause as it is. I am among that number.

Mr. CHANDLER. I hope the amendment will not be concurred in. There is no reason on earth why all the hops required for use in the United States should not be raised in this country. I hope the amendment will not be concurred in, but that the duty will remain at the rate fixed by the House.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

Mr. BAYARD. The present duty even of 5 cents per pound on hops is very heavy when rated in *ad valorem*. It amounts, I think, to something like 35 or 40 per cent.

Mr. SHERMAN. The value of the hops I think is somewhere from 10 to 15 cents in gold. The duty is 5 cents a pound.

Mr. BAYARD. I do not propose to detain the Senate, for I feel that to undertake the discussion of a bill of this character at this hour would be, to say the least, impracticable, if not impossible. Nevertheless where a proposition is made to double the duty upon an article of such large and general consumption, and in so important a branch of the manufactures of the country, upon which the excise duties depend so largely, it is a very serious question for the Senate to undertake to double that duty. You have now a duty of more than the average of the tariff on this article of American production; and in the face of that large duty you exported in the last five years a very large amount of hops. The exportation reached, I think, in the year 1871 or 1872 nearly seventeen million pounds. It is an enormous article of export. You therefore have the absurdity of a country able to export a very large amount of a commodity proposing to raise the duty on it, when it is simply and purely an interference with a business on which our excise revenue largely depends.

I have not at this moment, not anticipating this discussion, the tables of the exports of hops from the United States for the last five years; but I can say with confidence to the Senate that they have been very large; and in the face of our having an oversupply that we send to other countries, it is proposed now, without reason, to double the duty!

Mr. President, the article of hops enters largely into, and its chief consumption is in, the production of malt liquors. These malt liquors form a very large and very useful and as compared with other drinks harmless portion of the beverages of the country. The revenue of the Government to-day from the item of malt liquors alone amounts to about \$9,000,000 a year. Do Senators propose hastily to interfere with a business of this magnitude? Do they propose to interfere with a business which is taxed, and one of the leading articles of taxation in the country, and without any reason in the world, as I have shown, to double the duty on an article so universally used and produced in this country to such an extent that the surplus must be exported and is exported in large quantities every year? What can be the meaning of such a tax? Nay, further, let us look at this subject in another way. The Senate has lately been made the scene of a discussion in respect to the matter of temperance. The abuse of alcoholic stimulants has been made the subject of grave congressional investigation. Any man who has considered the subject with that interest which I trust we all feel must be satisfied that one of the best steps toward a reformation of this alleged abuse is the substitution of a milder stimulant; and the use of the lighter beers and malt liquors is to be encouraged, in my opinion, and not to be discouraged.

I am not disposed, however, to treat this in the light of a sumptuary law; I dislike by law to invade the domain of morals and of individual taste; but I merely will say that upon the plainest grounds of political economy the imposition of a double tax, making it equivalent to about 70 per cent. *ad valorem*, upon an article entering into consumption so widely as does the article of hops, an article produced so abundantly by our soil, strikes me as being not only unwise, not only without warrant, but in every respect in which it can be viewed highly prejudicial.

I understood from that class of our citizens largely engaged in the

consumption of hops that the hops imported are some from Austria and from Italy, and that there are certain kinds of beer made in this country which require a small amount of the infusion of the flavor of foreign hops in order to suit the taste of the public. Of course, as the Senator from Ohio reminds me, the great bulk of the hops used in this country is of American growth. I cannot tell precisely the proportion, but the enormous majority of the hops used is of American growth. We cultivate enough for that purpose, and the history of the last five years shows that our hop-growers have abundant protection.

On every ground I hope the action of the Committee on Finance will be sustained, and that this excessive increase of duty, so unnecessary in point of revenue and so absurdly unnecessary on the ground of what is called protection, may not be favored by the Senate, but that the amendment reported by the Committee on Finance will receive the approbation of the Senate.

Mr. SCHURZ. I think it must be clear to every one that if this bill is to pass it must pass without much discussion; and that can be accomplished only in one way, and that is by adopting all the amendments as they are reported by the committee. There are in this bill many good things and a great many things which I would not assent to. But as soon as the amendments of the committee are once interfered with then I give notice that I shall move a number of amendments, which undoubtedly will cause debate.

As far as this amendment is concerned, it must be clear to every unprejudiced man in the country that if the hop culture cannot flourish with a protection of 33 per cent. in its favor, it ought not to flourish. A large quantity of hops is imported for one very good reason, because hops of those varieties are needed. The hop culture can be stimulated in no better way than by importing foreign hops so far as is necessary for the purpose of improving the cultivation here. I hope the amendment will be made.

Mr. FERRY, of Michigan. I do not wish to discuss the question; but out of compliment to the House of Representatives, the popular branch that reflects the will of the people, I feel as though my vote ought to be in accord with its action.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

The question being put, there were, on a division—ayes 30, noes 16.

Mr. WRIGHT. I think we had better have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 14; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggs, Boutwell, Cooper, Davis, Flanagan, Frelinghuysen, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Ingalls, Kelly, McCreery, Morrison, Morrill of Maine, Morton, Norwood, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stockton, Tipton, Washburn, West, and Windom—33.

NAYS—Messrs. Anthony, Carpenter, Chandler, Clayton, Conover, Edmunds, Ferry of Michigan, Gilbert, Hayes, Mitchell, Oglesby, Pratt, Wadleigh, and Wright—14.

ABSENT—Messrs. Allison, Boreman, Brownlow, Buckingham, Cameron, Conkling, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gordon, Harvey, Hitchcock, Johnston, Jones, Lewis, Logan, Morrill of Vermont, Patterson, Pease, Ramsey, Scott, Spencer, Stewart, and Thurman—25.

So the amendment was agreed to.

The next amendment of the Committee on Finance was in section 4, line 9, after "four" to strike out "and a half;" so as to read:

On chromate and bichromate of potassa, 4 cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 11, after "vermicelli," to strike out "3 cents per pound" and insert "and" before "on," and after "on" insert the words "all similar," and after "preparations" strike out "similar thereto, 2," and insert "2;" so that the clause will read:

On macaroni and vermicelli and on all similar preparations, two cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 16, before the word "cents" to strike out "quarter" and insert "tenth;" so that the clause will read:

On tin in plates or sheets and onterne and tagger's tin, 1.1 cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 22, to strike out "one-half," and insert "five-eighths," and in line 25 to strike out "one-eighth," and insert "one-half;" so as to read:

On anchovies and sardines, packed in oil or otherwise, in tin boxes, 15 cents per whole box, measuring not more than five inches long, four inches wide, and three and one-half inches deep; 7½ cents for each half-box, measuring not more than five inches long, four inches wide, and one and five-eighths inches deep; and 4 cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-half inches deep; when imported in any other form, 60 per cent. *ad valorem*.

The amendment was agreed to.

The next amendment was to add to section 4 the following proviso:

*Provided*, That cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or treaty, not exceeding one quart in contents, shall be subject to a duty of 1½ cents on each can or package; and when exceeding one quart, shall be subject to an additional duty of 1½ cents for each additional quart, or fractional part thereof.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out the following proviso at the end of section 7:

*And provided further*, That bags other than of American manufacture in which

grain shall have been actually exported from the United States may be returned to the United States free of duty under regulations to be prescribed by the Secretary of the Treasury.

Mr. SARGENT. Before the question is put on striking out that proviso, I move to insert after the word "returned," in line 9, the word "empty;" so that it may read:

That bags other than of American manufacture, in which grain shall have been actually exported from the United States, may be returned empty to the United States free of duty, &c.

Mr. SHERMAN. There is no objection to that because they would have to be returned of course.

Mr. SARGENT. The proviso relates to grain-bags of foreign manufacture which have once been imported into the United States and paid duty. They are used to ship grain to the Liverpool market and to other foreign places. They are used by the million in shipment from the Pacific coast. We cannot ship in bulk on account of shifting the cargo and sweating the cargo, and so we have to resort to the very expensive process of using grain-bags. The House of Representatives provided that these bags might be returned under regulations of the Secretary of the Treasury without paying the duty over and over again. That clause we desire to have retained, and there are abundant precedents for it heretofore; as, for instance, petroleum casks are allowed to be returned free of duty a second time. I want to put in the word "empty," so as to remove any fear that they might be returned with something else; and then I ask that the amendment of the committee be not concurred in, but that the proviso remain. The amendment of the committee is to strike out the proviso that the bags may be returned free of duty.

Mr. FRELINGHUYSEN. I should like to know from the Senator from California or from the Senator from Ohio why jute-butts should not be on the free list?

Mr. SARGENT. I should be very happy indeed, on account of the enormous interest of my people in this matter, to have them on the free list; but I have not urged that on account of the condition of the revenue. To do that would be an enormous relief to our people, I admit. If I could hope that the Houses would agree to a provision of that kind I certainly would urge it; but meanwhile I take what I can reasonably get, and I therefore ask that we be allowed to return these grain-bags without paying duty for the second and third time and over and over again. I have no doubt that the Secretary of the Treasury can make the same regulations in the matter of grain-bags that he does in the matter of petroleum casks and other matters to prevent any fraud on the revenue.

Mr. FRELINGHUYSEN. I understand that the article provided for in this seventh section is not grown in this country at all, and it does not need any protection, and it would be a great relief if it were placed on the free list.

Mr. SHERMAN. The question now before us is whether grain-bags being sent abroad with grain in them shall be returned duty free. The committee struck out the proviso, having a great deal of doubt about it, but I do not myself see any objection to allowing these grain-bags, when they are returned empty, to come in free of duty.

Mr. FRELINGHUYSEN. As I understand it, the question before the Senate is the adoption of the seventh section of the bill.

Mr. SHERMAN. Not at all. The question is on the amendment of the committee striking out the proviso, and that is a question every Senator can form a judgment upon at once, whether bags that have once paid duty and gone abroad with American produce in them shall be returned duty free. The committee thought the proviso ought to be stricken out; but as far as I am concerned I think it a doubtful question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. SARGENT. I believe I have said all I desire to say upon it. I do not want to take up time in debate. I trust the Senate will stand with me. It is the plainest provision in the bill.

Mr. SHERMAN. The word "empty" is inserted.

Mr. SARGENT. Yes, sir.

Mr. SHERMAN. It is due to the committee to state that the reason why they proposed to strike out this proviso was because of the absolute impossibility of identifying the bags and ascertaining whether or not they were the same bags, and of preventing fraud on the revenue by allowing all bags to be admitted duty free. The Senator from California will see, if he will look at section 9, that we provide "that barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty."

Mr. SARGENT. But those made in the United States are only a small part, a mere drop in the bucket, as compared with the number used. The great bulk of them we have to import from Dundee.

Mr. SHERMAN. The great difficulty is in identifying the particular bag.

Mr. SARGENT. There is not any more difficulty in the case of bags of foreign manufacture than in the case of bags of domestic manufacture. At any rate, the Secretary of the Treasury can prescribe the necessary regulations, and I should like to try the experiment of admitting these bags duty free.

Mr. SHERMAN. They can tell in a moment the difference between a home-manufactured and a foreign bag.



Mr. HAGER. I want to call the attention of the Senator from Ohio to the ninth section, which he referred to. It does not meet the case at all. The bags provided for there must be returned filled with foreign products. We wish to have the return of bags empty merely for the grain trade of California. We do not want to be required to bring them back filled with foreign articles, but we desire to have the privilege of returning the bags empty for the grain trade of California. That is a very important thing. The provision as it stands in section 7—

Mr. SHERMAN. If a bag is exported filled with American products, it may be returned either empty or filled.

Mr. HAGER. No; the language is "returned filled with foreign products may be returned to the United States free of duty." They must be filled with foreign products. We wish to have the privilege of returning them empty. That is not provided for in section 9. Therefore I hope section 7 will stand as it is. They can be returned under consular certificate without any difficulty at all. I hope the amendment of the committee will not be agreed to.

Mr. SHERMAN. The Senator is mistaken. Section 9 reads as follows:

That barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty.

In either case they may be brought in.

Mr. HAGER. If the Senator will consent to amend section 7 by inserting after the words "United States" the words "or upon which duties have once been paid to the United States," I have no objection; but there is no necessity of paying duties twice on these grain-bags. It is a hardship and unjust to impose a double tax upon the people of California in their efforts to maintain their relations with foreign countries in the exportation of grain.

Mr. BAYARD. I must confess that I think the amendment of the Senator from California [Mr. SARGENT] to the clause proposed to be stricken out would be a proper one, and if it should be adopted I think we should disagree to the amendment of the committee striking out the proviso. When these grain-bags have once paid their duty and the Government has received its revenue from them, it is simply another illustration of the embarrassment of trade and commerce to say that when they come in again empty or used in the way they were first brought in, they shall be subjected to a second tax. Section 9, which has been referred to, provides that grain-bags of American manufacture, when exported filled with American products, or exported empty and then filled with the produce of other countries, shall not be taxed. If a man has once paid the duty on an imported article to the Government, why should it not be for all intents and purposes the same as if it were an American manufacture? If the duty has once been paid, why should it be taxed a second time?

The provision as it now stands is rather a facility to commerce, and we need all our facilities to commerce, especially in regard to our exports. No embarrassment should be thrown around them. I trust therefore that the motion of the Senator from California will prevail, that we shall amend this section so as to provide that these grain-bags may be returned empty, and then that the section may be retained in the bill as the House passed it.

Mr. SPRAGUE. I desire to state to the Senate that if the amendment of the committee is not agreed to by the Senate, in my judgment not a year will pass before every manufacturer of grain-bags in the United States will be prostrated. In addition to the present competition you introduce a new element; and under such loose provisions as these new bags as well as old ones will inevitably come in, and the result will be the destruction of this branch of industry. I speak not in the interest of the constituents whom I immediately represent, but there are grain-bag manufacturers throughout the United States, and this provision of the bill will in my judgment evidently prostrate that employment.

Mr. STEWART. This repetition of tariffs on grain-bags is very much embarrassing the agricultural pursuits of the Pacific coast. The grain there is shipped in bags altogether, while here you ship in bulk to a great extent. It is suggested that if we retain this proviso and pay the duty on grain-bags but once it will embarrass the manufacture of grain-bags. Now, I submit that it is equally important to refrain from embarrassing wheat-growing as manufacturing grain-bags. It is quite as important an interest, and I cannot see any justice or propriety in embarrassing the great wheat-growing interest of the country for the simple purpose of building up manufactures and sustaining them. It seems to me unjust to impose a tariff to such an extent for such a reason, which falls directly on production, limits production, limits exportation, limits your revenues, and limits your commerce. Wheat-growing is carried on to the very verge of bankruptcy on the part of those who are producing wheat. They do it as long as they can live by it; and the slightest burden imposed upon them operates to destroy the production of wheat. It seems to me if they pay duty once on their bags they should not be required to pay it a second time. If you say this provision cannot be executed, that the Government officers cannot determine whether they are the same bags or not, then I say the great wheat-growing interest demands that this duty on grain-bags should be removed altogether, and it will have to be done. If this proviso cannot be executed Congress will be certain, in view of this oppressive burden upon wheat-growing, to remove the duty altogether.

Mr. MORRILL, of Vermont. In the committee I voted to retain this proviso, which is now desired to be retained by the Senator from California. It seems to me that it is carrying the doctrine of protection to an unreasonable extent to ask that, after an article has once paid duty and come in here, it shall not then stand on an equal footing with American manufactures. I would no more make a discrimination against an article after it has paid a duty and been once admitted here, than I would make a discrimination against a naturalized citizen coming in again from abroad.

Now, it is proposed to allow American bags to be exported and reimported without duty, but that we shall not allow foreign bags to be exported and reimported without duty. The Secretary of the Treasury is to prescribe regulations under which this is to be done. If he can prescribe regulations under which he will know whether a bag is an American bag or not, there is no more difficulty in prescribing regulations by which a foreign-made bag can be known. Therefore it seems to me unreasonable for us to stickle in the bark in relation to this proposition of the House. I shall vote for it.

Mr. SARGENT. Let us have a vote.

Mr. SPRAGUE. If the agriculturists of this country desire to extend the markets from whence they will derive their necessary articles three thousand or four thousand miles, then they are at perfect liberty to adopt a proposition of this sort; but I tell them they are injuring themselves at the same time, that they inevitably destroy one important branch of industry in the United States.

Mr. SARGENT. The amendment of the committee is to strike out the proviso. We want that voted down.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair understood the Senator from California to move to insert the word "empty."

Mr. SARGENT. That was put in without objection.

The PRESIDING OFFICER. Then the question is on agreeing to the amendment as reported by the committee, to strike out the proviso to the seventh section.

The amendment was rejected.

Mr. BAYARD. I desire to offer the following amendment to that section—

The PRESIDING OFFICER. The amendments of the committee have not yet been completed.

Mr. BAYARD. It will shorten the question to dispose of it now. I merely desire a vote upon it.

The PRESIDING OFFICER. It is in order to proceed first with the amendment of the committee. The Chair will receive the amendment of the Senator from Delaware by unanimous consent.

Mr. SHERMAN. I must insist on the regular order—on this bill especially. The Senator can offer his amendment afterward.

Mr. BAYARD. Very well.

The Chief Clerk resumed the reading of the bill, as follows:

SEC. 8. That on and after the date of the passage of this act the importation of the articles enumerated and described in this section shall be exempt from duty; that is to say—

Mr. SHERMAN. I desire to insert the words "from and after the 30th day of June, 1874," in lieu of the words "on and after the date of the passage of this act." I move that amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 8, line 6, to strike out from the free list—

Peas exclusively for seed purposes.

The amendment was agreed to.

The next amendment was in section 8, line 7, to strike from the free list "quicksilver."

Mr. STEWART. I hope that will not be done. The price of quicksilver is enormously high, so much so that it is becoming almost an embargo on the production of precious metals and no revenues are derived from it. The only effect of the duty is to keep up the price, which has got now so very high that it is almost destructive to a great interest. There is no reason for putting a tariff on quicksilver.

Mr. SHERMAN. Upon representations made to the Committee on Finance we concluded, upon a hearing, that it was best not to put quicksilver on the free list, but to leave it where it is now. If, however, the Senators from California, where this quicksilver is produced and consumed, say to us that they think on the whole it ought to be on the free list, I for one am disposed to change my vote.

Mr. HAGER. California produces quicksilver and it is used in extracting gold and silver from the quartz in the States of California and Nevada and in the Territory of Utah. It is very extensively used and it is extensively produced in California; but there is now an existing monopoly, that is to say, the European producers of quicksilver have entered into a combination with the producers in America by which the price is put so high as almost to make it necessary to resort to some other process.

Mr. SHERMAN. I will ask the Senator from California if he and his colleagues on the Pacific coast desire quicksilver to be placed on the free list?

Mr. HAGER. Yes, sir; I believe all of us on the Pacific coast favor putting it on the free list in order to relieve ourselves from the difficulty in which we are placed at this time.

The amendment was rejected.

The next amendment of the Committee on Finance was in section

9, line 1, to insert the word "and" between "barrels" and "grain-bags;" and after the word "include," in line 7, to strike out "boxes, barrels, exported in shooks," and insert "shooks" when returned as barrels or boxes as aforesaid;" so that the section will read:

SEC. 9. That barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; and the provisions of this section shall apply to and include shooks, when returned as barrels or boxes as aforesaid.

The amendment was agreed to.

The next amendment was in section 11, after the word "oaths," in line 4, to strike out "to such collector within three months" and insert "generally;" after the word "generally" insert "and;" and in line 7 to strike out "Comptroller of the Treasury" and insert "Commissioner of Customs;" so as to read:

That the oaths now required to be taken by subordinate officers of the customs may be taken before the collector of the customs in the district in which they are appointed, or before any officer authorized to administer oaths generally; and the oaths shall be taken in duplicate, one copy to be transmitted to the Commissioner of Customs, and the other to be filed with the collector of customs for the district in which the officer appointed acts, &c.

The amendment was agreed to.

The next amendment was in the proviso to section 13, line 15, after the word "collected" to strike out "or from other circumstances," and after the word "allowances," in line 17, to insert "but no such allowance shall be made except within one year after such services are rendered;" so as to read:

Provided, That the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, be authorized to make such further allowances, from time to time, as may be reasonable, in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, it may seem just to make such allowances; but no such allowance shall be made except within one year after such services are rendered.

The amendment was agreed to.

The next amendment was in section 16, line 10, after the word "not" to insert "less than \$100 nor;" and in line 12, after the word "not" to insert "less than thirty days;" so as to read:

That any person who shall carry on the business of a rectifier, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquors, retail dealer in malt liquors, or manufacturer of stills, without having paid the special tax as required by law, or who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense, be fined not less than \$100 nor more than \$5,000, and imprisoned not less than thirty days nor more than two years.

The amendment was agreed to.

The next amendment was in section 18, line 33, after the word "packages," to strike out "where such assessments were," and in line 36, after the word "amended," to strike out "made;" so as to read:

Provided further, That any assessments of additional special tax against wholesale liquor dealers or retail liquor dealers, or against brewers for selling malt liquors of their own production at the place of manufacture in the original casks or packages, made by reason of an amendment to section 59 of the internal-revenue act approved July 20, 1868, as amended by section 13 of the act approved June 6, 1872, further amending said section 59 by striking out the words "malt liquor," "malt liquors," "brewer," and "malt liquors" in the three several paragraphs in which they occur, shall be, on proper proofs, remitted.

The amendment was agreed to.

The next amendment was to strike out section 23, as follows:

SEC. 23. That all acts and parts of acts imposing fines, penalties, or other punishment for offenses committed by an internal-revenue officer or other officer of the Department of the Treasury of the United States, or under any Bureau thereof, shall be, and are hereby, applied to all persons whomsoever, employed, appointed, or acting under the authority of any internal-revenue or customs law, or any revenue provision of any law of the United States, whether such persons are designated as officers or otherwise.

The amendment was agreed to.

The next amendment was to strike out section 24, as follows:

SEC. 24. That from and after the passage of this act any farmer or planter may sell, at the place of production, tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding \$100 annually, subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. MERRIMON. I trust this section will not be stricken out. The internal revenue at best operates very harshly upon the producers in the tobacco-growing sections, and it would be very hard if they could not sell a few pounds of tobacco without paying a tax. I do not care to discuss it; but on concurring in that amendment I call for the yeas and nays.

Mr. SHERMAN. I call the attention of the Senate to this section. If it is retained, as a matter of course it will defeat this bill. The object of the bill is merely to clear certain difficulties which have arisen in the administration of the tariff and internal-revenue laws. This section, which was inserted in the House of Representatives against the advice of the Committee on Ways and Means, allows every man at every farm, at every cabin, to raise \$100 worth of tobacco and sell it without regard to law. The passage of that section would, in my judgment, lose us eight or ten million dollars of tobacco tax. That was the statement made to us by manufacturers of tobacco in Virginia and manufacturers all over the country. The proposition to allow any person to sell of his own growth or raising \$100 worth of tobacco annually without any tax whatever, without being required to pay any tax, would, in the opinion of the tobacco manufac-

turers, and I think of all intelligent persons who have examined the subject, actually destroy the tax on tobacco, which now yields us twenty-five or thirty million dollars. I have no doubt we should lose from five to ten million dollars of revenue. Therefore if you want to collect the present large tax on tobacco you must extend it to all. The provisions of the old law are ample to enable every person who raises it to sell it to licensed dealers, and there is ample competition all over the country. This section no doubt would be a great convenience to persons who raise small quantities of tobacco, by allowing them to sell it for the use and consumption of their own neighborhood. But there is no reason for it, and its effect would be absolutely destructive of the whole tobacco tax.

I think I have said enough to direct the attention of Senators to the importance of this section and the necessity of striking it out. The Commissioner of Internal Revenue supposed as a matter of course this would be stricken out; but he said if this section were adopted it would very greatly impair the tobacco tax, and the harm done by this section would be ten times more than the good that would be secured by the passage of this bill.

Mr. MERRIMON. I think if the internal-revenue officers would see the law properly executed the difficulty that the Senator anticipates would not arise. I am the more anxious for the adoption of this section because this provision of the internal-revenue law in my country is more odious than any other. The people regard it as a very great and intolerable burden. I think the Government loses a vast deal of its revenue growing out of the fact that there is no exception of this sort. I do not care to discuss the question. I simply call for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 10; as follows:

YEAS—Messrs. Anthony, Bayard, Bontwell, Buckingham, Chandler, Clayton, Conover, Davis, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Howe, Ingalls, Mitchell, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Sherman, Sprague, Stockton, Wadleigh, Washburn, West, Windom, and Wright—33.

NAYS—Messrs. Boggy, Cooper, Goldthwaite, Kelly, McCreery, Merrimon, Norwood, Ransom, Robertson, and Sanbury—10.

ABSENT—Messrs. Alcorn, Allison, Boreman, Brownlow, Cameron, Carpenter, Conkling, Cragin, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Texas, Harvey, Hitchcock, Johnston, Jones, Lewis, Logan, Morrill of Maine, Patterson, Sargent, Schurz, Spencer, Stevenson, Stewart, Thurman, and Tipton—30.

So the amendment was agreed to.

The next amendment was to strike out section 25, as follows:

SEC. 25. That upon all manufactured tobacco exported under the provisions of any act of Congress, the manufacturer exporting the same shall be entitled to a drawback equal to the amount of duties which shall be shown to have been paid upon imported licorice which has entered into the manufacture thereof; and the quantity so used in such manufacture shall, under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury be ascertained, and certified by the collector of internal revenue of the district from which the manufactured tobacco shall be removed for exportation to the collector of the port whence the same shall be exported, by whom the same shall be duly examined, and the amount of duties reported for drawback in accordance with the regulations of the Secretary of the Treasury; and the same shall be allowed and paid as in other like cases of drawback of duties on manufactured articles exported.

The amendment was agreed to.

The next amendment was to strike out section 29, in the following words:

SEC. 29. That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities, at the rate of  $\frac{1}{100}$  of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of  $\frac{1}{100}$  of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

Mr. WRIGHT. I wish to call the attention of the chairman to the twenty-eighth section, which is an extension of the time for the redemption of direct-tax lands. I ask whether there was not a bill passed here on Saturday covering that ground?

Mr. SHERMAN. It passed here, but it may not pass the House. I think the same provision had better be made here also.

Mr. WRIGHT. I thought it was a House bill?

Mr. SHERMAN. No; it was a Senate bill. I think that section had better be retained here.

The PRESIDING OFFICER. The question is on the amendment striking out the twenty-ninth section.

The amendment was agreed to.

Mr. SCOTT. That is the last of the amendments of the committee, I believe.

The PRESIDING OFFICER. The amendments of the committee are completed.

Mr. SCOTT. Mr. President, two years ago, when the act of 1872 was passed, I announced upon the floor of the Senate that I hoped there would be no further change in the tariff laws for five years to come. It was with exceeding reluctance that I agreed to report a bill making even these changes unless a general revision was necessary; but for the purpose of securing some needed changes in the internal-revenue laws and correcting some revealed defects in the act, these few amendments have been agreed to, with one or two which



are necessary to increase the revenue and which require immediate action.

There are several subjects upon which I should like to amend this bill, particularly by a repeal of the second section of the act of 1872, by imposing a tax on the deposits in national banks and in private banks on which they pay interest—I mean deposits upon call, or for a period of not more than thirty days, and also a provision with regard to the limitation of suits under the internal-revenue laws. All these I should like to offer; but it is manifest that if we begin to offer amendments on this bill we shall defeat all that is in it, and probably defeat action upon the subject altogether. I therefore shall refrain for the present from offering any of these amendments, in the hope that we can obtain immediate and favorable action upon the bill; but if other Senators deem it their duty to offer amendments to this bill so as to give rise to any protracted debate, then of course I shall not only feel at liberty, but shall deem it my duty to my constituents to offer the amendments in which I feel such great interest.

Mr. HAMLIN. The Senator from Pennsylvania has expressed precisely what is my own position. There are sundry amendments which I would myself very much like to offer to this bill, amendments which I deem important, but acting precisely in that line of duty which guides and directs the Senator from Pennsylvania, I shall refrain from offering any amendments, believing it better and wiser now to do the little—and there is something—which this bill accomplishes than hazard all by attempting to do that which we cannot accomplish.

Mr. DAVIS. I ask that on the vote upon section 24 my vote be changed from "yea" to "nay," from the fact that I voted under a misapprehension. I supposed the question was on agreeing to the section. It will not change the result.

The PRESIDING OFFICER. That cannot be done. The rule positively prohibits it.

Mr. DAVIS. Then I shall reserve section 24 for separate action in the Senate.

The PRESIDING OFFICER. The Senator accomplishes his object by making the statement to go in the RECORD.

Mr. BAYARD. I have heard what the Senator from Pennsylvania [Mr. SCOTT] has said and I concur with him. I will not profess that this measure meets my approbation. Neither the frame-work of the measure nor the tendencies are those that I desire, and I am sorry that the tariff question should be submitted to this kind of patch-work at the end of the session. Yet nevertheless the bill has been prepared, and I do not propose to risk the labor of so many gentlemen by making amendments, although I consider them just and proper. There are several that I desire earnestly to offer and earnestly to recommend to the Senate; but looking to the expression of opinion by the Senator from Pennsylvania and others that they do not propose at this stage to embarrass and perhaps defeat the entire measure, I shall not press the amendments that I had intended to offer or make the opposition to many that I had intended to make. I think on all these questions of a general public law there must be a consideration of the entire case and a consideration of the labors and the opinions of our associates here as well as of our own. I think that is a proper and catholic spirit of legislation, and for that reason I shall follow the example of my friend from Pennsylvania, and abstain from impeding the passage of this bill and hazarding the loss of the bill by amendments offered at this stage.

Mr. FENTON. In view of what has been said by other Senators, I feel constrained to withhold several amendments which I had intended to offer to this bill. I am satisfied that it is the sense of the Senate to pass the bill in the shape recommended by the Finance Committee without further amendment or change. So, while I feel that the bill is in some respects very unsatisfactory, acting as do other Senators who also have a desire to further amend the bill, I shall not urge the amendments which I had intended to present.

Mr. FRELINGHUYSEN. I desire the ear of the Senator from Ohio. This bill, by reason of the amendments already passed, will have to go to the House again, as I understand.

Mr. SHERMAN. I will say that the proper committee of the House have already considered every amendment that has been adopted.

Mr. FRELINGHUYSEN. I have a number of amendments which I should like to offer, and I am very sorry that the bill has not been considered at a time when it could be amended. There is one amendment which I would ask the Senator from Ohio whether it would embarrass the bill to make or not, and that is on the sixth page, ninth and tenth lines of section 8. There is a manufactory of spurs and stiltis which has been established in this country. The free list of this bill includes "spurs and stiltis used in the manufacture of earthen, stone, or crockery ware." All parties engaged in the manufacture of earthen, stone, and crockery ware, as well as these manufacturers of spurs and stiltis, desire the item stricken from the free list. I do not suppose it would be any embarrassment just to strike that from the free list.

Mr. SHERMAN. That little item of spurs and stiltis was very carefully considered in both Houses. We heard the parties on both sides and we came to the conclusion that it was better to leave it where it is now. It would embarrass the bill to take it off the free list.

Mr. FRELINGHUYSEN. There is but one manufactory in the United States, and that is in New Jersey.

Mr. SHERMAN. We know that; but as a matter of course all these people have to use the stiltis.

Mr. FRELINGHUYSEN. There is no other State where they make as much crockery or earthen ware as in New Jersey, and the manufacturers there request it. I move to strike out those lines. It will not create any embarrassment.

Mr. SHERMAN. I will state that I have quite a number of papers about this particular item, and I can make a statement that will satisfy the Senate that we are right. The House committee put this in, and the Senate committee after full examination concurred. I do not want to debate it. I hope the question will be put and the amendment voted down.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey to strike out on the ninth and tenth lines of section 8.

Mr. MORRILL, of Vermont. This is a very small manufacture, and it has got its growth in New Jersey, as the Senator from New Jersey says. It seems to me that it is a hardship to strike it down. I hope therefore that the amendment of the Senator from New Jersey will prevail.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

The Chair put the question and declared that the noes appeared to prevail.

A division was called for.

Mr. SHERMAN. If the Senate is to be divided on this question, I desire to send for some papers to show the reasons why the committee acted as they did. If we open the door to amendment, there is an end to the bill.

The question being again put, the amendment was rejected—ayes 10, noes not counted.

The bill was reported to the Senate as amended.

Mr. BOUTWELL. I wish to reserve the amendment in regard to the duty on tin plates unless the suggestion I made to the chairman of the committee should lead him to change that.

Mr. SHERMAN. I have no objection to the reservation.

The PRESIDING OFFICER. The remaining amendments made as in Committee of the Whole will be considered as concurred in.

Mr. WRIGHT. I desire that the vote in Committee of the Whole on the last section shall be reserved for action in the Senate.

The PRESIDING OFFICER. That amendment will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

Mr. DAVIS. I ask for a separate vote on the twenty-fourth section, because I voted upon it under a misapprehension.

The PRESIDING OFFICER. That will be reserved.

The remaining amendments were concurred in.

The PRESIDING OFFICER. The first reserved amendment will be read.

The CHIEF CLERK. On page 4, line 16, the Senate as in Committee of the Whole struck out "quarter" and inserted "tenth" after "one," so as to make the clause read:

On tin in plates or sheets and onterne and taggers' tin, 1.1 cents per pound.

Mr. SHERMAN. I do not understand the Senator from Massachusetts as proposing any amendment to the section, but he doubts the policy of a specific duty on tin plates.

Mr. BOUTWELL. I do not object to the rate of duty, but I do apprehend that there will be frauds upon the revenue in consequence of a change from *ad valorem* to specific duties. I am not sufficiently acquainted with the mechanical processes to state as a matter of opinion even what the results may be; but the duty on Banca tin at 15 per cent. amounts to about  $4\frac{1}{2}$  cents a pound; that is, the metal called tin. I can imagine from what I have seen and heard that plates which are of iron may be heavily loaded with tin beyond the quantity required for the ordinary purposes to which tin plates are put, and received in this country at  $1\frac{1}{5}$  cents a pound; and then this extra loading may be taken off and tin introduced at  $1\frac{1}{5}$  cents instead of  $4\frac{1}{2}$  cents a pound. I make the suggestion. I do not know what will happen, but that is what I anticipate.

Mr. SHERMAN. If the Senator from Massachusetts could suggest to me a more specific definition of the article than is contained in these two lines, I would accept his definition. As a matter of course tin in its pure state is a very expensive article; but tin in plates or sheets as in the ordinary article of commerce is quite different. The great body of it is iron. As a matter of course, this duty of  $1\frac{1}{5}$  cents a pound is on "tin in plates or sheets and onterne and taggers' tin." This does not change the existing rate of duty on the article the Senator mentions; but he thinks that by fraud or by the free use of the article with another, making a new article, the revenue may be defrauded. That may be so now. The same opportunity might apply under a specific as an *ad valorem* duty.

Mr. BOUTWELL. The honorable chairman will see the difference, that if iron plates were now under an *ad valorem* duty heavily loaded with Banca tin, that is the pure metal, beyond the quantity necessary for the uses to which tin plates are applied, the cost of the plates on the other side would be augmented precisely in proportion to the quantity of the pure metal used. But now if you put a specific duty by the pound upon tin plates, the weight of which ordinarily is chiefly iron, there is an opportunity furnished for those who might be disposed to avail themselves of it to load these plates heavily with the pure metal and introduce the whole body at 1.1 cents a pound and

then remove the surplus quantity of Banca tin which by itself would be subject to a duty of about  $4\frac{1}{2}$  cents a pound, and get an advantage of  $3\frac{1}{4}$  cents a pound on the importation of the pure metal.

Mr. SHERMAN. The only change proposed by this bill is a change that has been recommended by the Treasury Department, has been demanded by the dealers in this article, has been called for by the custom-house officers and by everybody, and it is recommended by the President, that is that we should as far as practicable change the *ad valorem* into specific duties. The duty now proposed to be imposed on tin in sheets is a little higher than the present *ad valorem* duty; but the present *ad valorem* duty has given rise to a great deal of litigation, to a great deal of trouble, and many lawsuits and controversies without number. It has given rise to oppression and abuse as charged on one side, and to fraud on the other.

Under these circumstances it is of the highest importance to have a specific duty if practicable on the article of tin in plates; and the suggestion now made, just at the heel of this debate, is the first suggestion I have ever heard from any one that this article was more subject to frauds under a specific duty than under an *ad valorem* duty. If the Senator would suggest to me an amendment providing that if tin plates were charged more than their due and ordinary proportion with pure tin, they should be confiscated or should be subject to an *ad valorem* duty, I would accept the amendment without hesitation; but there can be no difficulty between now and the next session. I do not believe there is any danger of surcharging tin plates with too much tin in order to take it off here and evade a trifling duty. I think it is rather a fanciful danger than a real one. At any rate, it is one that has never been suggested to the committee of either House, and never so far as my attention has been called to the subject been mentioned by any one either in the customs-revenue service or in the trade. I hope therefore the Senator will run the risk till the next session of Congress at least of any possible fraud.

Mr. BOUTWELL. The committee must run the risk. I only felt it to be my duty with the present ideas I have to make known to the committee what I fear.

Mr. SHERMAN. If the Senator had made this difficulty known to the committee earlier, when we were considering the bill, we should probably have tried to guard against it. I have invited him to suggest an amendment, but he is not now prepared to do so.

Mr. BOUTWELL. No amendment would avail except to strike out the line. You cannot put a specific duty on tin plates that would admit of their importation and guard against the fraud which I apprehend.

Mr. MORRILL, of Vermont. I think that the idea of the Senator from Massachusetts is entirely imaginary. In the first place, if the tin should be melted off these plates what would the iron plates be worth? In the next place, why should the importer go to that immense amount of labor to get the tin when he can import it free without any such trouble? It is now free in the shape of raw material.

Mr. BOUTWELL. Do you say so?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. BOUTWELL. Where is the law?

Mr. MORRILL, of Vermont. Here it is. [Handing a book to Mr. BOUTWELL.]

Mr. EDMUNDS. If it is free of course there is no danger; but if it is not free, it could be done just as easy as not.

Mr. BOUTWELL. I was looking at the law of 1871, which imposes a duty of 13 per cent. I see now there is no danger.

Mr. SHERMAN. It is all right then?

Mr. BOUTWELL. Yes.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment is to strike out the twenty-fourth section.

The Chief Clerk read the section, as follows:

SEC. 24. That from and after the passage of this act any farmer or planter may sell at the place of production tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding \$100 annually, subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. DAVIS. That is a section in which the State that I in part represent has a considerable interest and the people living in that region of country. I ask for a division on the section. I do not wish to take time by calling for the yeas and nays.

The PRESIDING OFFICER. The question is on concurring in the amendment to strike out the twenty-fourth section.

The amendment was concurred in; there being on a division—ayes 38, noes 13.

The PRESIDING OFFICER. The next reserved amendment is to strike out the twenty-ninth section.

The Chief Clerk read the section, as follows:

SEC. 29. That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities, at the rate of  $\frac{1}{10}$  of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of  $\frac{1}{10}$  of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 828) for the relief of Alexander Henderson.

The message also announced that the House had passed a bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate for the printing of two thousand copies of the report of the Chief Signal Officer for 1873, to be printed and bound for the use of the Secretary of War.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of three thousand extra copies of the report of the Superintendent of the Coast Survey for the year 1873 for the use of the Superintendent of the Coast Survey.

The message further announced that the House had passed a concurrent resolution for the printing of the reports of the United States commissioners to the Vienna exposition.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BARBOCK, his Secretary, announced that the President had on the 20th instant approved and signed the following acts:

An act (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment;

An act (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phoebe Sofield, a pensioner;

An act (S. No. 536) granting a pension to Livanna Ingraham;

An act (S. No. 609) granting a pension to Margaret A. Hoffner;

An act (S. No. 613) granting a pension to Jefferson A. French;

An act (S. No. 690) granting a pension to Thomas Smith;

An act (S. No. 767) granting a pension to Andrew J. Lasley;

An act (S. No. 768) granting a pension to John S. Long;

An act (S. No. 814) granting a pension to Ebenezer W. Brady;

An act (S. No. 877) granting a pension to John W. Truitt;

An act (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

An act (S. No. 311) for the relief of Joseph Montanari;

An act (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell;

An act (S. No. 176) to encourage the establishment of public marine schools.

The message also announced that the President had this day approved and signed the following acts:

An act (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon;

An act (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge;

An act (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association;

An act (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road;" and

An act (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims.

#### THE POST-ROUTE BILL.

Mr. RAMSEY. Now, Mr. President, I move that the Senate resume the consideration of House bill No. 3604, sometimes called the post-route bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3604) to establish certain post-routes.

The PRESIDING OFFICER. The bill will be read.

Mr. MORTON. I hope nobody wants to hear that read. I ask unanimous consent to dispense with the reading.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business. It will take but a short time.

Mr. RAMSEY. Let this bill pass first.

Mr. EDMUNDS. It will not pass without reading.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. DAVIS. I think it very important that the post-route bill should be passed.

The PRESIDING OFFICER. The motion is not debatable. The question is on the motion of the Senator from Vermont.

The motion was not agreed to.

#### EXECUTIVE BUSINESS.

Mr. EDMUNDS. There is some business that I have in charge and some in which I feel a very deep interest, and nothing but this post-



route bill being up, I ask to have the eighteenth rule read, and then I will see whether I can say anything to the Senate that public interests require to be stated or not.

The PRESIDING OFFICER. The rule will be read.

The Chief Clerk read as follows:

18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the gallery to be cleared; and during the discussion of such motion the doors shall remain shut.

Mr. EDMUNDS. I move that the doors be closed under the eighteenth rule.

Mr. FRELINGHUYSEN. I second the motion.

Mr. EDMUNDS. The motion is seconded by the Senator from New Jersey.

Mr. SARGENT. I should like to have the rule read again.

The PRESIDING OFFICER. The rule will be read.

The Chief Clerk read Rule 18.

The PRESIDING OFFICER. Is the motion seconded?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. HAMLIN. The post-route bill is now before the Senate; it is within our control now. I suggest that we had better go into executive session, and when we come out the bill will be up; there will be no necessity for a vote to take it up. Making this suggestion with the consent of the Senator from Vermont, other business having now intervened, I move that the Senate proceed to the consideration of executive business.

Mr. RAMSEY. Very well.

Mr. SHERMAN. Allow me a moment. I shall vote for the motion of the Senator from Maine, but before the precedent now sought to be set is established, I wish to say that before a Senator can of his own will turn everybody out of the galleries and close the Senate he must state himself, upon his responsibility as a Senator, that upon the pending question, in the language of the rule, the public interest demands that the galleries should be cleared. When he has made that statement under the rule he probably can at any time clear the galleries.

Mr. EDMUNDS. This is an interesting question.

Mr. SHERMAN. The Senator ought to state—

Mr. EDMUNDS. The Senator would be a little wiser if he would read the rule.

Mr. SHERMAN. I ask the Senator to read it.

Mr. EDMUNDS. I will read it:

On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy—

Mr. SHERMAN. He must state his opinion.

Mr. EDMUNDS. Be kind enough to let me read the rule through—the Presiding Officer shall direct the gallery to be cleared; and during the discussion of such motion the doors shall remain shut.

I made the motion and stated that there was business to be discussed which I thought (as of course I must think as to executive business) requires secrecy, and business of high importance. Thereupon I make the motion that the doors be shut, and I have a precedent for what I say, a motion made by the colleague of my friend from Maine, now deceased, (Mr. Fessenden,) where we had a question which ought to be considered in secret session, not "the pending question" which was before the body on the bill that happened to be up for the relief of John Jones, or for a post-route, but matters within the possession of the Senate, and the motion was made, the matter was considered, and the doors were closed. Although it is of no consequence at this time probably, for everybody now, I believe, is willing to go into executive session, I beg leave to state to the Senator from Ohio that he is mistaken in supposing that a Senator must state that the pending question before the Senate it is necessary to discuss in secrecy. The question is whether there is any business before the Senate which in the conscientious judgment of a Senator requires that the doors should be immediately closed that it may be considered.

The President of the United States may send a message to this body at this moment of the highest importance to the national interests, of a confidential character, and it may be that an opposition to the Administration would say, "We intend to drag this session through before you can have the message communicated to the Senate for its action, in order that it may judge whether it will prolong its session or whatever may be necessary." And therefore, inasmuch as Senators cannot say that the post-route bill requires secrecy, this motion cannot be made. The Senator has forgotten the history of this ancient rule, and the motives for it. What were they? When the Senate was small, and it was supposed every Senator understood what the confidential business before the Senate was, when any subject that a Senator thought required secrecy and action was before the Senate—I do not mean up for debate in public, but in possession of the Senate, on its table yet unopened—he might take the responsibility, subject of course to public disgust and all that sort of thing by his brother Senators if he was making a frivolous demand, of having the doors closed.

I only mention this in vindication of the rule and in vindication of myself. I can state that I think I am entirely within the eighteenth rule, and that I have a perfectly satisfactory motive for it.

Mr. SHERMAN. Before the question is put—lest this might be a precedent, and a very inconvenient one in practice—I wish again to

call attention to the language of the rule to show the meaning of it, and I could go into the history of it if I chose:

On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy.

The "business" must be pending under discussion. Then any Senator has a right to say, "I desire to make some statement to the Senate in regard to this question under discussion which in my opinion demands secrecy; I do not choose to give it to the galleries around me;" and on that motion being seconded then the Senate must perforce, willing or unwilling, give the opportunity to the Senator to state what he desires, in confidence, to the Senate. That is the rule. But I have no objection to an executive session now. I agree that we ought to proceed to the consideration of executive business, but I do not want this to be made a precedent.

Mr. EDMUNDS. It has been acted on over and over again, and my construction is the safest way.

The PRESIDING OFFICER. It is moved that the Senate now proceed to the consideration of executive business.

The question being put, there were, on a division—ayes 21, noes 11; no quorum voting.

Mr. SARGENT. We had better have the yeas and nays. ["No!" "No!"]

The PRESIDING OFFICER. There is a quorum present and the Chair will put the question again.

The question being again put, there were, on a division—ayes 27, noes 14.

So the motion was agreed to.

#### DETROIT ARSENAL.

Mr. KELLY. I wish to make a report before the doors are closed. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan, to report it back with amendments; and I ask for the present consideration of the bill.

Mr. EDMUNDS. That will not do.

The PRESIDING OFFICER. The bill will be placed on the Calendar, objection being made to its present consideration.

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened at four o'clock and five minutes p. m.

While the doors of the Senate Chamber were closed the following legislative business was transacted:

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;"

A bill (S. No. 828) for the relief of Alexander Henderson;

A bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims;

A bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

A bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky;

A bill (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

A bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes, as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHILETUS SAWYER of Wisconsin, Mr. GEORGE W.

MCCRARY of Iowa, and Mr. ERASTUS WELLS of Missouri, managers at the same on its part.

#### RIVER AND HARBOR BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

On motion of Mr. CHANDLER, it was

*Resolved*, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it, was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. CHANDLER, Mr. BUCKINGHAM, and Mr. DENNIS.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

*Ordered*, That W. R. Brown have leave to withdraw his petition and papers from the files of the Senate.

#### HOUSE BILL REFERRED.

The bill (H. R. No. 975) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, was read twice by its title, and referred to the Committee on Finance.

#### MANAGERS OF HOME FOR DISABLED SOLDIERS.

By unanimous consent, the joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers was read three times, and passed.

#### STEAMBOAT KITTY STRANG.

By unanimous consent, the bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang was read three times, and passed.

#### REGISTRATION OF DEATHS IN THE DISTRICT.

By unanimous consent, the bill (H. R. No. 773) to further define and enlarge the powers and duties of the board of health of the District of Columbia was read three times, and passed.

#### SCHOONER DELMAR.

By unanimous consent, the bill (H. R. No. 3211) to change the name of the schooner Delmar was read three times, and passed.

#### PAY TO DISCHARGED EMPLOYEES.

By unanimous consent, the joint resolution (H. R. No. 115) for the relief of certain clerks and employes of the United States was read three times, and passed.

#### WILLIAM TOD HELMUTH.

By unanimous consent, the bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York, was read three times, and passed.

#### CAPTAIN HALL'S WIDOW.

On motion of Mr. ALLISON, the bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS.

The doors having been opened,

Mr. FRELINGHUYSEN. We have received from the House of Representatives the report of the committee of conference on the Geneva award bill. I move to proceed to its consideration.

Mr. RAMSEY. That postpones the post-route bill, which is regularly before the Senate.

Mr. WEST. I desire to offer a report from the committee of conference on the post-office appropriation bill, having been advised by the member in charge from the House that the House is waiting to consider that report. I ask the Senate to judge between the two reports, whether they will consider the Geneva conference report or the report on the post-office appropriation bill, with almost the assurance that the debate on the Geneva award bill will detain the Senate some hours.

Mr. RAMSEY. May I say a word in behalf of the bill that I have been urging for two weeks and have at last got before the Senate? There seems to be some malign purpose on the part of gentlemen to crowd out that bill and prevent its passage during this session. I hope gentlemen will defer their reports until the post-route bill is disposed of. I ask the Chair what will be the effect of entertaining these propositions or either of them? Would it displace the bill now up?

The PRESIDENT *pro tempore*. The post-route bill being before the Senate, the Senator from New Jersey or any other Senator can move to postpone that bill.

Mr. FRELINGHUYSEN. I move to postpone that bill.

Mr. RAMSEY. I hope that will not be done.

Mr. STEVENSEN. I suggest to the Senator from New Jersey, as I do not wish to antagonize the presentation of his report upon the Geneva award, that he had better fix some hour this evening for con-

sidering it; and I will state my reason for this suggestion. There are a great many bills from the House, not only the bill of the Senator from Minnesota, but other bills from the House, of an important character, each of which it will not take a minute to pass; and by fixing a certain hour when we can reach the Geneva award bill, which is certain to elicit debate and perhaps consume the whole of the evening, we can attend to that without losing a great many bills which we can now pass.

Mr. FRELINGHUYSEN. I shall ask the Senate to vote upon the motion which I have made. The Geneva award report ought to elicit no debate whatever, for the result of the conference which has been arrived at pays those that every member of the Senate and every member of the House of Representatives voted should be paid, and it pays no one else, and it leaves the fund subject to future disposition and to claims by the war-premium men, the insurance men, and those who have lost by other vessels than those included in the bill. The simple question is whether, when a conference has arrived at an agreement which pays those whom every member of Congress of both Houses say should be paid, the Senate will deprive them of their money.

Mr. WEST. I understand the Senator from New Jersey moves to take up the report of the conference committee on the Geneva award.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to postpone the pending order and proceed to the consideration of that report.

Mr. WEST. I move to amend the motion of the Senator from New Jersey, that the Senate proceed to the consideration of the conference report on the post-office appropriation bill.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. RAMSEY. I hope the Senate will vote down both motions and allow the post-route bill to pass. It cannot possibly occupy over thirty minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, I do not think that a question of this importance ought to be disposed of on the run. At the last session of Congress we passed the bill through the Senate as it was passed at this session almost word for word. It went to the House of Representatives and was met with an amendment of the character substantially of that of this year. We had a conference; and the conferees on the part of the Senate, containing my honorable friend from Ohio [Mr. THURMAN] as one of them, after we had exhausted all other means of getting at a result that would dispose of the whole question, proposed to the House conferees that we had just passed the Senate bill which provided for a class of citizens in respect to whom everybody said indemnification ought to be made and would remit to the next Congress the question which other citizens raised with the Government in respect to their claims. The whole body of the Senate conferees, I say, a year ago, including the Senator from Ohio, proposed to the House conferees, inasmuch as we could all agree as to one class of our citizens, that justice, good faith, honor, and every sentiment which belongs to fair dealing required us to provide for them now, and leave questions that we could not solve to be settled in the future. The House conferees refused to do that, and insisted that we should do more or the less, as the case might be, or nothing should be done. The House stood by them upon that, and accordingly nothing was done.

This year the conference again meets upon the same substantial attitude between the two Houses, and the House conferees, instead of refusing to do that which they refused to do last year, pressed by this sense of justice to people whom all sides agree ought to have their money, have agreed to a report which simply gives to the owners of the vessels who were uninsured, and their captains and crews, the money that they are entitled to, and in terms leaves the subject of other disputed questions and claims to the future disposition of Congress. Can anybody say that that is not equitable and right? That is all it does.

Then when you come to the suggestion of the other Senator from Ohio, [Mr. SHERMAN,] that the clause about the payment in gold being stricken out doubles the claim, let me tell the Senator, from a pretty careful investigation that we made of that subject, that the clause paying in gold nearly doubles the claims. There is the difference. I suggested that to the Senate in the confusion and hurry when the bill was up before; but as nobody was listening, as I assume, the motion of the Senator from Ohio was made and carried putting in the clause providing for payment in gold, which makes an arbitrary standard when gold and the values of shipping and of the cargoes and all other things were different at different times. Some men by this gold rule would be almost ruined in getting their pay now; others would make large profits, depending upon the particular period of time when the destruction took place, as all our values, as everybody knows, were currency values. So we pay the currency value, which gives justice and uniformity to all classes of the people.

Mr. President, I shall be surprised and sorry to see the Senate of the United States say to the uninsured owners of the ships that were sunk on the high seas or burned up, and to their crews and officers and to the merchants who had uninsured property on board those ships, "We refuse to give you your money that our agents a year ago in-



sisted should be given and we did, but the House failed to do it; and now that the House has done it, we will turn around and refuse to do this which we unanimously agreed ought to be done, because we are unable to agree with the House to do something else." That is precisely what the question is; and, as I say, a year ago on that question the conferees of the Senate were unanimous in their action, and so reported to the Senate of the United States.

Now, I do not see upon what ground it is that my friend from Ohio who sits farthest from me [Mr. THURMAN] should find it to be his duty to refuse to do this on account of his views upon another branch of the subject, when that other branch of the subject is left open for the action of the next session of Congress. Here is a class of our citizens whose vessels and cargoes have been destroyed on the high seas and in respect of whom the United States has recovered a certain indemnity, and as to those everybody says they ought to have the measure of the just losses they have incurred. This report of the conference committee gives it to them and does not undertake to decide any other question at all. It leaves all the rest of the question exactly where it was before, so that at a future session any insurance company, any war-premium man, any person injured by the cruisers outside of the time named, stands on exactly the same footing where he stands at this moment to have his claim considered. Yet here are these people whose claims we have considered and all parties agree ought to have their money, some of them sailors and officers who have little else in this world to rely upon, some of them whose whole property was involved in these ships uninsured that were destroyed, and who have now been delayed too long, upon the simple ground that there are questions connected with this subject which we cannot now decide.

It does appear to me that it would be an inexcusable act of injustice to fail to agree to report, inasmuch as it appears to me clearly from the reading of it that all other questions are left without any prejudice to the rights of any claimant who may come forward at the next session.

Mr. FLANAGAN. I do hope that the bill before the Senate will not be postponed. It is an important one. Every State is directly and deeply interested in a post-route bill. The other is a matter as to the merits of which I have nothing to say, but in due time it will come up. But the bill regularly before the Senate now must necessarily be returned to the House for action on our amendments, and I hope the Senate will stand by it and dispose of it.

Mr. WEST. What is the pending question?

The PRESIDENT *pro tempore*. The pending question is, will the Senate postpone the post-route bill and proceed to consider the report of the committee of conference on the Geneva award bill, upon which the yeas and nays have been ordered.

Mr. THURMAN. If the report of the conference committee were clearly and unequivocally, without any ambiguity whatever, what the Senator from Vermont supposes it to be, and if there were no other thing in it that was objectionable, there would not have been a divided report from the Senate managers. But I apprehend that that is not the nature of this report; and whenever it shall be taken up, I hope to be able to satisfy the Senate that the Senator from Vermont is mistaken in what he supposes to be the character of this report. I think that which is reported is an extremely dangerous proposition, and I hope that I may have the attention of the Senate, when the time comes whenever it shall be taken up, to explain why I think so. I am as willing and as anxious as the Senator from Vermont or anybody else to pay, and to pay without one moment's delay, those persons who we all agree are entitled to be paid. The Senate knows I was last year, and I am so again; but I do not want anybody to be deceived about the effect of this bill should it become a law.

But the question now is shall the other measure be postponed and this taken up, and under that I have no right to discuss the merits of this conference report. I therefore refrain from saying anything about them until the report shall be taken up.

Mr. RAMSEY. I hope the Senate will now adhere to the post-route bill.

Mr. SHERMAN. I shall vote for taking up the first conference report that is offered. Here we are in the last hours of the session and we have to act upon both these reports, and we must do it to-night. There is no help for it, if we set sixty hours in consecutive session. I hope we shall waste no time. I shall vote to consider the first conference report that comes in. Which of these reports has now the preference?

Mr. FRELINGHUYSEN. This.

Mr. SHERMAN. What is the question?

The PRESIDENT *pro tempore*. The question is, Will the Senate postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the Geneva award bill?

Mr. SHERMAN. I shall vote to postpone everything to take up a conference report at this stage of the session.

Mr. WEST. To take up the Geneva award bill now is absolutely to kill the post-office appropriation bill.

Mr. FRELINGHUYSEN. O, no!

Mr. WEST. Yes; this Geneva award bill will be talked all night.

The question being taken on Mr. FRELINGHUYSEN's motion by yeas and nays, resulted—yeas 15, nays 33; as follows:

YEAS—Messrs. Alcorn, Anthony, Boutwell, Buckingham, Carpenter, Chandler,

Edmunds, Frelinghuysen, Gilbert, Morrill of Maine, Morrill of Vermont, Oglesby, Sherman, Washburn, and Wright—15.

NAYS—Messrs. Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Sprague, Stevenson, Stockton, Thurman, Wadleigh, West, and Windom—33.

ABSENT—Messrs. Allison, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Johnston, Jones, Logan, Morton, Norwood, Schurz, Scott, Spencer, Stewart, and Tipton—21.

So the motion was not agreed to.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes; and

A joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

#### DISTRICT GOVERNMENT—JOINT COMMITTEE.

The PRESIDENT *pro tempore*. Under section 5 of an act for the government of the District of Columbia, and for other purposes, being House bill No. 3680, a joint select committee is provided for, two members to be appointed by the Presiding Officer of the Senate and two by the Speaker of the House. Under that section the Chair appoints Mr. MORRILL, of Maine, and Mr. HAMILTON, of Maryland, the members of the committee on the part of the Senate.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had appointed Mr. R. C. PARSONS, of Ohio, a conferee on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors and for other purposes, in place of Mr. GEORGE W. MCCRARY, of Iowa, excused.

#### POST-ROUTE BILL.

The PRESIDENT *pro tempore*. The post-route bill is before the Senate.

Mr. WEST. I think it is pretty well known to every Senator that it is not much worth while to consider the post-route bill unless you have the money with which to run your mails over the routes; and there is another consideration on which I shall appeal to certain members of the Senate, who will understand precisely that it was agreed that appropriation bills should have priority over other matters. The House of Representatives at the present moment has no business to consider on appropriation bills from the fact that we do not send them over to them.

Mr. EDMUNDS. That is not in order.

Mr. WEST. It may not be in order, but I have stated the fact; and if it is not in order I will withdraw it. [Laughter.]

Mr. RAMSEY. What is the use of appropriating money unless you have some use for it?

Mr. WEST. We have plenty of use for the money. I move to postpone the post-route bill for the purpose of considering the report from the committee of conference on the post-office appropriation bill.

Mr. DAVIS. I suggest to the Senator from Minnesota that he just lay his bill aside informally in order to allow the conference report to be made. It will only take a moment.

Mr. RAMSEY. If I do, I must do the same thing with the other report.

Mr. DAVIS and Mr. HAMILTON, of Maryland. O, no.

Mr. EDMUNDS. What is the pending order?

The PRESIDENT *pro tempore*. The pending question is the motion to postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. EDMUNDS. Has the post-route bill been read?

The PRESIDENT *pro tempore*. It has not been.

Mr. EDMUNDS. It must be read before it is debated.

Mr. WEST. Must it be read before it is proceeded with?

Mr. EDMUNDS. Yes.

Mr. WEST. If we have to stand that—

The PRESIDENT *pro tempore*. The bill will be read.

Mr. EDMUNDS. I only want to remind my friend from Louisiana that there is some liberty left, and now I withdraw for his motion. The bill need not be read now; but I withdraw the call for the reading, subject to its being read when it is taken up for action.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to postpone the post-route bill.

Mr. DAVIS. Only informally.

Mr. EDMUNDS. No sir; nothing is done informally.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

The question being put a division was called for, and the yeas were 32.

Mr. RAMSEY. As this will involve the loss of the post-route bill, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GORDON. I should like to inquire the effect of this vote. Will the effect be to displace the post-route bill entirely?

The PRESIDENT *pro tempore*. It will.

Mr. SHERMAN. It can come up again on motion.

Mr. DAVIS. Is it in order to amend the motion of the Senator from Louisiana, so as to lay the post-route bill aside informally?

The PRESIDENT *pro tempore*. It is not.

Mr. SARGENT. That can be done by general consent.

Mr. DAVIS. I ask unanimous consent that it be done.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent to lay aside the post-route bill informally and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. RAMSEY. The same request has been refused in the other case.

Mr. HAMILTON, of Maryland. It will not be refused now.

The PRESIDENT *pro tempore*. Is there objection.

Mr. RAMSEY. I object.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The question being taken by yeas and nays, resulted—yeas 27, nays 26; as follows:

YEAS—Messrs. Alcorn, Bayard, Boutwell, Buckingham, Carpenter, Davis, Edmunds, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hitchcock, McCree, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Saulsbury, Scott, Sherman, Sprague, Stockton, Thurman, Washburn, West, Windom, and Wright—27.

NAYS—Messrs. Bogy, Boreman, Chandler, Clayton, Conover, Cooper, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hamlin, Kelly, Lewis, Logan, Merrimon, Mitchell, Norwood, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Stevenson, and Wadleigh—26.

ABSENT—Messrs. Allison, Anthony, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Harvey, Howe, Ingalls, Johnston, Jones, Morton, Schurz, Spencer, Stewart, and Tipton—20.

So the motion of Mr. WEST was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY L. DAWES of Massachusetts, Mr. WILLIAM D. KELLEY of Pennsylvania, and Mr. JAMES B. BECK of Kentucky managers at the same on its part.

#### TAX AND TARIFF BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

On motion of Mr. SHERMAN, it was

*Resolved*, That the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. MORRILL of Vermont, and Mr. BAYARD.

#### POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I now submit the report of the committee of conference on the post-office appropriation bill.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment, and agree to the same with an amendment as follows: Strike out the words "library of the office of the Assistant Attorney-General," and insert in lieu thereof the word "use;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the eighth amendment, and agree to the same with amendments as follows: In line 1 of said Senate amendment after "on" insert "and after the 1st day of January, 1875;" strike out all after "provided" in line 7, and insert "that nothing in this act shall be held to change or amend section 99 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department,' approved June 8, 1872;" and in section 6, line 1, after "that" insert the words "on and after the 1st day of January, 1875;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the twelfth amendment, and agree to the same with amendments as follows: In the second amendment of the House to said Senate amendment strike out "taken" and insert "made;" in line 31 of said Senate amendment strike out "one;" and the House agree to the same.

That the House recede from its disagreement to the fourteenth amendment, and agree to the same with amendments as follows: In line 9 strike out "eight" and insert "six;" in line 33 strike out "eight" and insert "six;" in line 67 strike out "fifty" and insert "sixty;" in line 68 strike out "forty" and insert "fifty;" in line 69 strike out "thirty" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the sixteenth amendment, and agree to the same with an amendment as follows: In line 87 strike out the words "a letting under advertisement can take place" and insert in lieu thereof "the service shall have commenced under a contract made according to law;" and the Senate agree to the same.

That the House recede from its disagreement to the seventeenth amendment, and agree to the same with an amendment as follows: Insert in lieu of said amendment the following:

That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department, shall be ten cents for each bound volume, and on unbound documents the same rate as that on newspapers mailed from a known office of publication to regular subscribers, and the word "Public documents" written or printed thereon or on the wrapper thereof, and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" is hereby defined to be all publications printed by order of Congress, or either House thereof.

And the Senate agree to the same.

J. R. WEST,

ALEX. RAMSEY,

Managers on the part of the Senate.

JAS. N. TYNER,

S. S. MARSHALL,

Managers on the part of the House.

Mr. SHERMAN. I regret very much that I was not able to agree to the report of the committee of conference on account of the very large reduction it makes in the rate of postage on newspapers. It is reduced by this bill to one-half the present rate. The present rate of postage on newspapers is 20 cents per annum on a weekly paper. These papers weigh about 2 ounces, so that 52 papers weighing 104 ounces are now carried through the mails at 20 cents or a trifle over 3 cents a pound. This bill reduces the postage on newspapers to 1½ cents a pound, or \$30 a ton, to be distributed all over the United States. In other words, it is a reduction in the rate of postage on newspapers to one-half. The postage on periodicals is by a somewhat different scale; the precise rate I am not able to state, but no doubt the Senator from Louisiana can tell.

Mr. WEST. Three cents.

Mr. SHERMAN. I mean the old rate on periodicals and large magazines.

Mr. WEST. The same, three cents.

Mr. SHERMAN. The proposition now is to fix the rate of postage at 1½ cents a pound on newspapers and at 3 cents a pound on periodicals. On both the reduction is about one-half. To reduce the rate of postage on newspapers at this time, when we are looking around for new sources of revenue, when our expenses are coming close to our receipts, seems to me a most unwise measure, improvident, and unjustifiable in every sense of the term. I cannot therefore consent to it.

In the amendment sent to the House the Senate proposed a rate of postage of 4 cents a pound on all newspapers and periodicals alike, which was perhaps a very slight advance on the present rate, but it was a uniform rate and therefore much preferable either to the House or the rate now in force. The present rate does not depend upon the size or weight of the paper but is equal to from 3 to 4 cents a pound; therefore the proposed rate of 4 cents a pound prepaid would be a slight advance on the existing rate of postage. I would have agreed with great pleasure to a uniform rate of 3 cents a pound on books, newspapers, and periodicals; for it was not the purpose of the Senate to either increase or diminish the rate, but only to substitute a specific uniform rate to be prepaid like all other postage.

Perhaps Senators have not all of them been familiar with the question of the rate of postage. If you compare the rate of postage on newspapers with letters, the comparison is very striking indeed. We now charge for letters at the rate of 96 cents a pound. For a half-ounce of letter matter we charge 3 cents. So that the rate proposed on newspapers is one-sixtieth of the rate of letter postage. The old rate was about one-thirtieth part. Another thing: the total revenues of the Postal Department are now \$23,000,000 a year. The revenue collected from newspapers is \$1,000,000 or less; the postage on letters \$22,000,000; so that out of the whole mass of our revenue for postage only one-twenty-third is furnished from printed matter, while the printed matter is 80 per cent. of the whole mail matter.

Mr. WEST. Not the newspaper matter.

Mr. SHERMAN. The printed matter.

Mr. WEST. Printed matter and matter of the third class, including all seeds and merchandise, which is quite a large percentage, amounts to that.

Mr. SHERMAN. Even newspaper matter is something over 80 per cent. I wish Senators to bear in mind that the present weight of newspapers alone going through the mail is four-fifths of the entire mail in weight, so that if you divide the expenditures of the Postal Department, now amounting to twenty-nine millions, in proportion to the weight between letter and printed matter, the printed matter including newspapers ought to pay \$26,000,000 and the written matter ought to pay \$3,000,000, while the actual fact now is that the letter matter pays twenty-two millions and the printed matter pays less than a million, so gross is the present discrimination in favor of newspapers. Indeed the amount collected on newspapers does not pay for the mere expense of delivering them. It does not pay one-fourth of the expense of the railroad transportation. It does not pay one-seventh of the expense of the postmasters of the country alone. It is so gross, so disproportionate as finally to have excited the attention of the country. To correct that the Senate proposed slightly to



increase the rate of postage on newspapers and also to require it to be prepaid.

Not only are the newspapers carried at this grossly disproportionate rate to the letter mail, but they have always had heretofore the franking privilege in the most offensive form; that is, newspapers are carried without prepayment, the postage to be collected at the other end of the line. Every publisher of a newspaper could frank the whole edition of his newspaper without paying a cent of postage, the postage being supposed to be collected at the other end of the line.

Mr. WEST. Generally it was not collected.

Mr. SHERMAN. That was a privilege granted only to the publishers of newspapers. Any private citizen who sent any newspaper or book or other printed matter had to prepay the postage at a much larger rate, and anybody, however poor, however difficult it might be for him to find the means for doing it, was compelled always to prepay the postage on either written or printed matter at a largely increased rate, while the newspaper publishers sent their mail matter practically free, or to be collected at the other end of the line. The result was that while the postage on newspapers should have been \$2,700,000, the whole amount received by the Government of the United States was only about \$840,000. Two-thirds of the actual postage levied by law upon newspapers never gets into the revenues of the General Government, but is either wasted by the failure to collect it or the failure of postmasters to return the amounts collected. Therefore it has been proposed to adopt a system of prepayment of postages, which is the rule as to all other postal matter in every other country that I know of.

It has thus far been found impossible to secure a system of prepayment of postage, and now this simple measure of equity and justice is opposed unless the rate of postage be enormously reduced. I was not prepared for one, and am not now, to vote for a reduction of newspaper postage so gross as this, while at the present rates the postage on written matter is thirty times as great as it is on printed matter, and while the printed matter now only yields to us \$1,000,000 of revenue to \$22,000,000 collected on letters, though the actual cost of carrying that mail matter is at least \$14,000,000. If you make due allowances for the difference between printed and written matter and count the whole mass of printed matter as only costing as much as the whole mass of written matter, the cost of carrying newspapers and pamphlets through the mails would be \$14,000,000. In truth and in fact the mass of written matter does not cost as much to transport it as the whole mass of printed matter. We know it does not cost one-fourth as much, because it only bears the relation in weight of 1 to 10.

Under these circumstances it seemed to me but right and just that the postage on newspapers should be prepaid without a reduction of the rate. The publishers ought to be willing to accede to that. They should pay some small proportion of the expense to the United States of carrying their printed matter through the mail. When I offered the proposition the other day in the Senate to make a uniform rate of 4 cents a pound on newspapers I did not dream that I was exciting such indignation of interested parties or treating of a very delicate question. We had been in the habit of levying taxes on the people, fixing rates of postage, dealing with great questions affecting the rights and interests of the whole people, and no complaint was made. The people sustained us if we did about what was right. But the very moment the proposition was made to make the newspapers pay one-fifth part of the actual cost of carrying their merchandise through the mails, that moment a great clamor was made.

When I submitted that proposition I had no conception that my motives would be impugned; that I would be charged with doing this thing out of spite or to punish some one; or that all at once I was to be assailed and arraigned by telegraph and press as guilty of some high crime or misdemeanor. Sir, all this is sheer folly. I may have made a mistake, but I think not, and am not likely to be deterred from doing a plain duty by any kind of clamor. It was with me a purely revenue question, the measure being proposed in the hope to derive some little more revenue from carrying printed matter through the mail, so that it should be required at least to pay about one-fifth of the cost of carrying it. But it seems the House of Representatives took a different view and thought the rate was too high, and insist upon a rate of 1½ cents a pound.

England has adopted a cheap-postage system and was the first to adopt it. They charge 1d., or 2 of our cents, for carrying a letter; they charge ½d., or 1 cent, for carrying a newspaper. They charge one-half as much for carrying a newspaper as they do for carrying a letter, while under the operations of this bill the charge for carrying a newspaper through the mail, if sent from the office of publication, is only one-fifth of one cent, though weighing two ounces; while if you carry a letter it is three cents, though weighing but half an ounce. This discrimination in favor of newspapers it seems to me is enormous and unjust.

Mr. RAMSEY. The Senator should recollect that England formerly had a stamp duty on newspapers and no postage at all. They have now abolished the stamp duty and in lieu of it put on the postage rate.

Mr. SHERMAN. Every newspaper that goes through the mails, the London Times and every other newspaper in England, has to pay one half penny.

Mr. RAMSEY. I admit that; but that is in lieu of the stamp duty theretofore imposed.

Mr. SHERMAN. It is for postage.

Mr. RAMSEY. It is a revenue in lieu of the stamp duty which they abolished. That is one reason it is so high there.

Mr. SHERMAN. Very well; but the postage on newspapers there is ½d. or 1 cent, while we propose to reduce it down to ½ of a cent, while we leave letter postage at 3 cents.

Under the proposed rates the difference between letter postage and newspaper postage is so enormous as to naturally excite attention. As I said before, when I first made this proposition and it was voted unanimously by the Senate there was no talk here but that it was a simple, pure revenue measure; and yet the very next morning brought back to us accounts in the newspapers that the Senate, especially Senator SHERMAN, out of spite, had been striking at the newspapers! Mr. President, I have no quarrel with the newspapers. The great body of the newspapers have always treated me, so far as I know, with great kindness; and if any of them have treated me unkindly or unfairly, generally other newspapers took a different view and came to my relief. I have no quarrel with the newspapers. My whole effort in this matter has been simply to impose a reasonable rate of postage on newspapers in view of the present condition of the country. The idea now in our present condition, when we are levying new taxes, when we are compelled to cut down all branches of our service, reducing our expenses in all Departments—the idea that now we should repeal one-half the rate of postage on newspapers, which now do not pay more than one-fifth the cost of transporting them, it seems to me is trifling with a great subject and it ought not to be yielded, and I for one will not do it.

Mr. President, a great deal of comment has been made upon the proposition of the Senator from New Jersey [Mr. FRELINGHUYSEN] to carry a public document through the mails at 25 cents. With some hesitation we put the minimum charge on public documents at 25 cents. We made an inquiry and we found that a public document, on the average, weighed 2 pounds; so that the rate proposed by the Senator from New Jersey was 12½ cents per pound; that is, we were required to pay, or anybody who received a document from us was required to pay, postage at the rate of 12½ cents per pound; and yet in that same bill it is proposed to charge newspapers only at the rate of 1½ cents per pound, or at the rate of 3 cents for newspaper matter equal to a public document. In this report the committee have reduced the rate of postage on public documents to 10 cents and require us to prepay it. A document published at public expense at the Public Printing Office, before it can be sent by us to our constituents, must, under this report, be prepaid at the rate of 10 cents, or 5 cents a pound. Even this rate I regarded too low, and yet now it is proposed to carry newspapers by the pound at 1½ cents; and I am arraigned for proposing to charge 4 cents a pound, or about one-fifth of the actual cost of the service to the United States.

Mr. WEST. Is the Senator exactly stating the case fairly? A newspaper is not a bound book. We are to pay on public documents that are bound 10 cents per document; that is, 5 cents per pound; but the Senator knows very well that there is a provision in this report that if the documents are unbound they shall only pay the same rate as newspapers.

Mr. SHERMAN. When you pay by weight, what is the difference between bound or unbound documents? Printed matter sent from any printing office in this country can be carried from San Francisco to New York or *vice versa* at \$30 a ton, or 1½ cents a pound less than the cheapest freight by rail between these points; and yet if that same information is put in the form of a public document sent by us, the postage, to be prepaid by us, costs 5 cents a pound. Sir, you might as well abandon all postage on newspapers. If there is not courage enough in Congress to deal with this question of a fair rate of postage on newspapers, I would far rather carry in the mails newspapers free than pretend to collect at the rate of 1½ cents per pound, which is totally inadequate. If we dare not provide for a reasonable rate let us make the newspapers free at once. If it is necessary for the United States to distribute newspapers to disseminate information among the people, why charge anything? Why put the publishers to the trouble to weigh their merchandise unless you mean to charge them a reasonable rate for the service you do them?

Again, sir, why discriminate against pamphlets? The pamphlets are the selected literature of the day, the winnowings of the chaff. They are charged by this bill at the rate of 3 cents per pound. Why this discrimination? Why discriminate against pamphlets and in favor of newspapers? Is there any reason for it? If your object is to disseminate information, then pamphlets are a much better form of current intelligence and should be favored rather than charged double; and yet here is a discrimination of one-half.

It seems to me this whole proposition is based upon the idea that we must carry the mail for the benefit of the newspapers. It has been said that if we make the rates too high the newspapers will be carried by the express companies. Why, sir, to the extent that express companies carry newspapers it is a relief to the Treasury. Our Post-Office Department would be more than self-sustaining if three-fourths of the newspapers were carried by express companies. The only reason why we have a deficiency, increasing year by year until now it amounts to \$8,000,000, is because we carry the newspapers through the mails without charge or with an insufficient charge. If there was a reasonable charge put upon newspapers our Post-Office Department would be self-sustaining. If we put on newspapers one-

half of the rate levied in England the Department would be self-sustaining. The real secret of the deficiency in our postal revenue is that we make no charge on newspapers worth naming; that is, we carry nine-tenths of the mail for \$1,000,000, while the carrying of the whole mail costs us \$29,000,000. Is this right? Have we no power to correct it?

Complaint was made that in my proposition to the Senate the other day the time for the taking effect of this amendment was not fixed. It was fixed. That was a misrepresentation. In the very amendment I offered it was fixed for the 1st of January next. I handed the proposition to the Senator from Minnesota [Mr. RAMSEY] to offer it, and he did offer it.

Now, Mr. President, it does seem to me the Senate of the United States, under the present circumstances, might very properly recommend this report and levy a uniform rate on all printed matter of about 3 cents a pound. In the proposition adopted by the Senate we put it at 4 cents a pound, because that was slightly in advance of the present rate, but only a mere fraction; but if the rate was fixed at 3 cents a pound, the newspapers and printed matter would yield a revenue of from three to four millions and to some extent make good the deficiency in the postal service.

To show you that the public press have not annually concurred in the clamor made about this amendment, I desire to say I have received both telegrams and letters from intelligent publishers in this country who not only do not complain, but say this is right, and if the public are to pass on this question, they will say it is right. There is no good reason why the commodities of newspapers should be carried through the mails unless they pay some proportion of the cost. I am happy to say I have here a letter from a very respectable member of the press, the publisher of a well-known weekly newspaper. In speaking of the rate proposed in the House bill,  $1\frac{1}{2}$  cents, he says:

Your rate of 4 cents is far better, and that will bring country papers down as follows: oz.  $1\frac{1}{2} \times 52 \times 4$  cents—19½ cents—for an average paper of an ounce and a half.

That is, 52, the number of issues in a year, multiplied by  $1\frac{1}{2}$ , the number of ounces, gives 78 ounces, or less than 5 pounds; which at 4 cents a pound makes 19½ cents. That is the cost of postage of a weekly paper for a year weighing  $1\frac{1}{2}$  ounces, which is the ordinary weight, at the rate of 4 cents, while under the present law it is 20 cents. The present law makes the rate of postage on country papers a little higher than 4 cents on an ordinary weekly paper; but when you take the great weekly papers published in the metropolitan cities, they weigh more, and consequently the present rate upon them is only about 3 cents a pound. Taking the average country weekly papers published in cities of twenty thousand inhabitants and less, the present rate is 4 cents a pound.

Then he goes on:

As an illustration, my own paper is printed on paper that weighs 40 pounds to the ream, and while it is now being run through the press I find that 11 damp sheets weigh a pound. This brings the postage on my paper, which is 27 by 33 inches, on 40-pound paper, at 4 cents per week, to 19 cents a year, and my paper is above the average. Now, even including wrappers, your rate will really bring the average on country papers below the present rate of 20 cents a year. This ought to be more generally known.

Now, Mr. President, why should not this be done? Why should not the newspapers be willing to bear some portion of the expense of transporting their product through the mails? Remember this is not a tax upon newspapers. We are not now levying a tax on newspapers. There is no tax whatever levied on a newspaper. They pay no tax to the General Government, and we do not charge them even now more than one-tenth of the actual cost of transporting their commodities, and this report proposes to reduce that one-tenth down to one-twentieth, and all because we require them to prepay their mail matter!

Sir, publishers of newspapers are like all other men. They are governed in the main by their interests. They are generally honorable men, engaged in an honorable calling. I have not one word to say against the public press. I believe the public press of our day and generation is stronger, better, and purer than it has been in former times, although it is still subject to great abuses. The public press is a great power in this country. No public man would seek to engage in a contest with them. The danger is not that we would do anything to spite them, but the danger is that in fear of their power we will not do our duty to the country.

Now, sir, when the newspaper press were called upon to prepay their postage they complained a great deal about it; but public sentiment had gradually so developed itself that it was felt to be the fixed law that they had to prepay their postage like other people who use the public mail. The Postmaster-General has for years requested us to pass a law requiring newspaper postage to be prepaid, and public opinion has so developed itself that finally the publishers of the country have been compelled to yield to that public sentiment; but while yielding they demanded a reduction in the rate of postage. Why so? Why should the amount of postage, now totally inadequate, be reduced? No good reason can be given for it.

Why, sir, if this question is looked upon as it affects the public at large, there is no reason why the newspaper press should not pay the whole cost of carrying their mail matter. The general distribution and dissemination of newspapers throughout the country is undoubtedly useful; no man would desire to interfere with that; but is it unjust to charge them but one-fifth of the cost of the labor done for them?

I hope, therefore, although these are the last hours of the session, the Senate will pause and consider well before they make this large reduction in the rate of postage. Let us at least seek another conference with the House of Representatives on the subject. I believe a uniform rate of 3 cents a pound on all printed matter, pamphlets, newspapers, and periodicals would yield a considerable revenue, would not increase the present rate of postage, and would be of vast service to the country. The newspapers might complain a while, but I hope we all dare to do our duty whether complaints come from one quarter or another. I at least shall not vote to concur in this conference report.

Mr. WEST. The very little attention that the Senate has given to the Senator who has just spoken would hardly encourage me to think I can command its attention; but I do not think the Senate ought to be asked by a committee of conference to vote for a proposition that they have seen proper to submit, when it is contested by one member of that committee without its being supported by the other members.

The Senator from Ohio admitted away his whole case very early in his argument. He said you could not secure the prepayment of this postage unless you reduced the rate. That is the Senator's proposition. He stated it distinctly. That is the experience of all postal service, and the Senator has stated it correctly. What is his proposition? His proposition is to raise the rate and to insist on prepayment. The rate now is three cents. The Senator's proposition is to make it four cents and insist on prepayment. The committee wanted prepayment, and in order to get that prepayment we had to reduce the rate, but we did not reduce it, as the Senator says, from four to one and a half cents uniformly on all newspapers. Read the recommendation of the committee as it is presented here. One and a half cents on all newspapers published as often as once a week, and three cents on all published less frequently than once a week. That is the proposition; so that the great bulk of your newspapers throughout the country are charged three cents.

Mr. SHERMAN. All the daily papers one and a half cents.

Mr. WEST. I admit that; but take the majority of publications in this country, and you will find the majority of them are in the other class.

Mr. SHERMAN. I assure the Senator he is mistaken. Ninety-nine one-hundredths of the newspapers are published at least as often as once a week.

Mr. WEST. I do not think I am mistaken. There are a great many semi-monthlies and a great many monthlies and periodicals.

Mr. SHERMAN. Periodicals are but a small proportion compared with the daily and weekly papers.

Mr. WEST. Very well. Now, the Senator says there is a fallacy in reducing the rates of postage when we are requiring prepayment of postage. The fallacy is simply this: by insisting on prepayment we recover what the Government does not get. The total postage on all newspaper matter now throughout the country is \$3,000,000; only \$1,000,000 of it goes into the Treasury. By the prepayment proposition you will get more, and a good deal more, of it.

Mr. SHERMAN. According to what my friend says we shall get a million and a half, and the newspapers will save a million and a half.

Mr. WEST. I never heard such a proposition coming from the chairman of the Committee on Finance, that by the imposition of duty on an article, that duty came out of the importer. That is the Senator's proposition here, that by imposing a duty on newspapers, requiring prepaid postage on them, it comes out of the newspapers. It comes out of the people who pay the postage on the newspapers, just as much as the tariff on sugar comes out of the man who consumes it.

Mr. SHERMAN. The people pay now \$2,700,000 for postage excepting what is not collected, and the postmasters get some of it. The Government gets but \$900,000.

Mr. RAMSEY. Over a million last year.

Mr. WEST. The Senator complains that the newspapers carried throughout this country only pay \$3,000,000. His proposition is to make them pay four millions. The great discrepancy between the cost of newspaper mail and post-office mail he only proposes to encroach upon to the extent of \$1,000,000; whereas we contend that under this reduced rate of postage we shall collect more than three out of four cents, and the Post-Office Department is of that opinion. Why? Because if you compel them to pay four cents, they will resort to express companies on short hauls, where we would gain an advantage at one and a half, and throw on the Department the whole weight of their long hauls away into Oregon and California. That is the difference.

But, sir, I am convinced that the Senate is disposed to stand by the report of the committee. It is made in accordance with the views of the Post-Office Department, and is also made in accordance with the views of the House of Representatives, the body most recently coming from the people; and I do not think it worth while to detain the Senate any longer on the subject.

Mr. MORRILL, of Maine. I am very sorry not to be able to concur in the action of the committee of conference on this bill; but there are certain principles I think so clearly to be observed in matters of this kind, that I cannot see my way clear to do it. This is a reduction of the postage heretofore paid on newspapers.

Mr. WEST. A reduction of one-half on what was assessed and not collected.



Mr. MORRILL, of Maine. It is a reduction of one-half of the postage heretofore charged upon newspapers. Can anybody answer to himself or the country or anybody else why that should be done now? Has anybody stated any reason why that reduction should be made? When the expenses of this Department are increasing so largely, when your revenues are running behind \$30,000,000, and you will have on the day when this fiscal year goes out \$30,000,000 of deficiency, is this a good time to do that? Is it the patriotic sense of the newspaper press of this country that it is a good thing to do, to relieve themselves at this time of one-half the burden which should fall equitably and honestly and fairly upon them in the transaction of their business on rates which were always very low, and that this is the time to do that thing? Does my honorable friend from Minnesota [Mr. RAMSEY] who has charge, so far as the Senate is concerned, of the Post-Office Department, think he is to sustain the credit of that Department by allowing such a thing as this to be done at this time?

Sir, what is this service? From the beginning we have levied a tax on this service, for its support chiefly; and now you propose to relieve that part of the service which contributes more than eighty hundredths part of the entire burden, so that what it contributes will be merely nominal. My honorable friend from Minnesota, the chairman of that committee, tells you that we only collected \$1,072,000 from the newspaper press of the country as the rate stood before, and now you reduce it one-half.

Mr. President, the newspaper press of this country cannot afford to accept any such proposition as that. While you are putting \$22,000,000 upon the people of this country who pay letter-postage it is a public indecency to say that you will only collect less than \$1,000,000 upon that service which contributes more than eighty hundredths of the entire burden. I am amazed that the House of Representatives, if it is true, as my honorable friend who has charge of this bill represents, should insist upon any such thing at the present time; and it seems to me the Senate of the United States will be wanting in ordinary self-respect to allow any such thing as that to be done under any circumstances that I can conceive of.

What earthly reason is there for it? The newspaper press of the country do not appeal to anybody for this that I know of. They have not asked it; and I have too exalted an opinion of the newspaper press of this country to believe that they desire any such thing as this. Do the newspaper press of this country want their papers to go through the mails free? Are they willing to impose a burden upon the people of this country and to allow a deficiency of many millions to be paid out of the Treasury that their papers may go free? I do not believe any such thing. I have seen no newspaper anywhere that asked any such thing. I am sure there has been no representative here in their behalf that they desired any such thing.

Reluctant as I am, Mr. President, to postpone or delay the business of the session, I should regret extremely that the Senate of the United States should allow itself to do any such thing as is proposed by the adoption of this conference report.

Mr. RAMSEY. I am surprised at the course of the honorable Senator from Maine, the chairman of the Committee on Appropriations. It is notorious that in all time it has been impossible to collect the postage upon newspapers, no matter how high the charge was. In your policy pursued in general commerce you very often reduce your duties for the purpose of breaking down smuggling and really getting a revenue from an article. So you should do in this case. Notwithstanding every effort has been made the Government has only received for the transportation of the immense mass of newspapers published in this country \$900,000, and finally last year it rose to \$1,072,000. The true policy of the administration of the Post-Office Department is to insist upon prepayment in every possible instance, even although you do reduce your postages. Now, with the certainty of making out of this reduced postage by insisting on prepayment \$3,000,000, which is the estimate of the Post-Office Department, I think the Senate ought not to hesitate to accept this new rule as established by the report of the committee of conference, yielding to the determined position of the House of Representatives on the subject.

Mr. MORRILL, of Maine. O, the House of Representatives! What has that to do with the duty of the Senate?

Mr. RAMSEY. The great thing is to secure prepayment.

Mr. MORRILL, of Maine. My honorable friend expresses some surprise that I should oppose this proposition, and says I know or ought to know that the Department have only been able to collect from seven hundred thousand to one million dollars out of the two and a half millions which they ought to have had from newspaper postage. I should like to know how long my honorable friend has known that, and I should like to know how long he has delayed to perform his duty to see that some method had been proposed here by which that evil could have been remedied.

Mr. RAMSEY. Prepayment is the remedy.

Mr. MORRILL, of Maine. Why has it not been done, if the honorable Senator is aware of the fact?

Mr. RAMSEY. "Better late than never."

Mr. MORRILL, of Maine. So it is; but it does not follow because there has been laches or neglect somewhere in that particular, that we are to take off one-half the tax on that amount. Who has asked it? The newspaper press has not asked it. Nobody has asked it. If it is a boon proffered to these people, it is a very cheap performance in my judgment. You will get no thanks for it. Nobody wants it.

The newspapers of this country do not want to be forced through the mails free. They cannot afford to have it done, nor can the people of this country afford to allow it to be done, in my judgment.

Mr. President, there is no apology under heaven for such a proposition as this while the people of this country are borne down by taxes, while your revenues are running short, while everybody knows now that you are trying to eke them out by a proposition reported here by my honorable friend from Ohio, which I will not characterize as I believe it ought to be, eking out at the rate of \$2,000,000 taxes when we know that we are running behind \$10,000,000, and making no effort to increase the taxes at all adequate to our demands, and then in this style cutting down the sources of your revenue when nobody asks it. For one I protest against it.

Mr. FERRY, of Michigan. I should like to put a question to the Senator. Does he not consider it is a gain to establish the principle or policy of prepayment on papers as well as letters? We have already established that upon letters. Would it not be a gain on newspapers?

Mr. MORRILL, of Maine. Undoubtedly it would be a gain; but is that a question to be compromised? Are we so impotent, are we so weak, are we so far gone, that we cannot lay an honest tax on any interest in this country without asking the parties who are taxed? Can we not say that the tax which they have been paying and which is small, which is only about one-fifth of the amount put upon the poor men of this country, shall be prepaid without being humiliated by the idea that we have got to compromise that question? I would abandon the whole of it before I would agree to that.

Mr. FERRY, of Michigan. I have one more question to put. The Senator has responded that it would be a gain to that extent; it would be an advantage to change the system on newspapers and make it agree with the system on letters. Now, I put another and a practical question to the Senator: I ask him if it would not be far better to adopt a system that collects all its postage rather than assess a postage which is not collected?

As stated by the Department, the present rate assessed, when collected at the point of delivery, falls far short of the amount now proposed to be assessed by prepayment. I ask the Senator, and repeat my question as a practical one, is it not far better when we have a system of prepayment to arrive at an amount that we know is definite; and then if we find there is a large deficiency we can regulate that hereafter?

Mr. MORRILL, of Maine. The same spirit which yields this now will yield it forever. That is my answer to all that. Nobody has suggested any necessity for it. It is just as easy to put the tax at three cents, where it was before, as it is to put it at one and a half cents. It is optional with Congress. Nothing on earth stands in the way of it.

Mr. FERRY, of Michigan. The difficulty has been this: the Postmaster-General in his estimates in presenting his claims to Congress for appropriations has predicated them on the collection of postage at the point of delivery; and it has not been until the close of the fiscal year that the deficit has become apparent. Now, I say as a practical question it is far better that we should adopt a system that speaks for itself upon its face so that when the Postmaster-General makes his report here he may know what he will get, not what he expects, but what really he does get. So the adoption of the proposition now before the Senate is coming back to the better policy of providing for prepayment; and if, as has been said, it shall be found that the rate is too low we can hereafter fix it, because then it is determinate and we know just where we stand.

The great difficulty is that a year ahead we expect we are to derive a certain revenue, and at the close of the year we find we have not received what we supposed was our due. In other words, your postmasters in the little offices are compelled by force of circumstances to donate this postage, and even pay it sometimes out of their own pockets rather than be troubled with these little dribblets. Any man who has observed this process of collecting in small amounts the quarter's postage on newspapers must know that the postmasters are driven either to ignore their duty or to pay it themselves. It is far easier to roll the responsibility on the Government than to take it out of their pockets on a mere salary of twelve dollars per annum sometimes.

Mr. WEST. Mr. President, I know that the Senate is impatient on this subject, but I think one proposition has been broadly and unwarrantably asserted by the Senators who oppose the adoption of this report that ought not to go without refutation; and that is that this yielding of the rate is in response to the demand of the newspapers. The Senators could with the same propriety say that a reduction of the tariff on any imported article was a yielding to the threats or the menaces of the importers.

Mr. MORRILL, of Maine. I have disclaimed that I have said distinctly that I heard no desire on their part for it.

Mr. SHERMAN. Allow me to state that when I submitted the proposition I did not believe that the large papers of the country would oppose it. I thought their sense of justice would see the propriety of it.

Mr. WEST. Then it is intimated that we are reducing the tax on newspapers, and that that is the motive of the committee. Now, sir, it must be self-evident to any man who knows anything about it that the postage is not to be paid by the newspapers. The postage

is going to come out of the public. There is where all postage comes from. We are trying this experiment whether we cannot collect more postage out of the public by this process than by the one in vogue.

Mr. SCOTT. Mr. President, there is another feature of the report as I heard it read at the table that has thus far elicited no comment; it is the last section incorporated by the conference committee, and which provides, if I apprehend it aright, that each public document, without reference to its weight, shall be carried in the mail at ten cents.

Mr. RAMSEY. Prepaid.

Mr. SCOTT. Prepaid, provided it be franked with the name of the President, the head of a Department, or the member of Congress certifying it is a public document, and that frank makes it presumptive evidence that it is a public document.

Now, Mr. President, that is a feature which I think is a little more reprehensible than any one we have had yet proposed on this bill, either in the Senate or in the House. I suppose the CONGRESSIONAL RECORD of this session will make up about six or seven volumes of the ordinary size, and each volume will weigh from three to five pounds; so that that work will go through the mail at ten cents a volume. The Smithsonian Report will go for ten cents; the Agricultural Report for ten cents; Raymond's report for ten cents; these three books, all together not weighing as much as one volume of the CONGRESSIONAL RECORD. That is the equality in postage which is introduced by this bill, and that is a restoration of the franking privilege by moieties and dribbles in that form.

I have heretofore said that I should vote for no kind of insidious approaches toward the restoration of the franking privilege. I will not agree to get back to it by sapping and mining, for the purpose of reaching it, like a mole. If we want it, come out in the daylight and say so; restore it pure and simple, and not impose this inequality of burdens. If there is a man willing to take the CONGRESSIONAL RECORD and at the other end of the line pay for it let him pay the freight that is necessary to carry it through the mails. Upon many of the lines the transportation of the postal cars is charged for by weight, and thus we shall have on some of the lines public documents carried, charged for by weight by railroad companies, and parties receiving them at less than is charged for carrying them. That is a feature of this report for which, it seems to me, it should be sent back if there were no other in it.

Mr. RAMSEY. The Senator ought to recollect that a conference is a negotiation of two parties. We cannot get everything that we desire. The Senator probably has never been on a committee of conference where he got all he desired. In return for this the House abandoned the objectionable feature as we thought of passing about three or four hundred thousand volumes of the Agricultural Report entirely free through the mails. It may be increased to a million hereafter. They abandoned that. We got the principle conceded of prepayment. You had yourselves allowed documents to pass without prepayment, the postage to be paid at the other end of the line, and you would never have got that money, as you have failed to get your money on newspapers. We then insisted on the principle of prepayment. We got them to abandon sending through the mails an immense mass of matter for nothing, and we got something in return.

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) The question is on agreeing to the report of the conference committee. The question being put, there were on a division—ayes 17, noes 16; no quorum voting.

Mr. WEST. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOWE, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. McCREERY.] If present he would vote for agreeing to this report and I should vote against it. The result was announced—yeas 19, nays 21; as follows:

YEAS—Messrs. Bayard, Boutwell, Carpenter, Clayton, Conover, Cooper, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Ingalls, Jones, Kelly, Logan, Morrill of Vermont, Ramsey, Sargent, Tipton, and West—19.

NAYS—Messrs. Alcorn, Davis, Edmunds, Gordon, Hamilton of Maryland, Hamilton of Texas, Merrimon, Morrill of Maine, Norwood, Oglesby, Patterson, Pease, Pratt, Ransom, Robertson, Scott, Sherman, Sprague, Stevenson, Stockton, and Wright—21.

ABSENT—Messrs. Allison, Anthony, Bogy, Boreman, Brownlow, Buckingham, Cameron, Chandler, Conkling, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Harvey, Hitchcock, Howe, Johnston, Lewis, McCreery, Mitchell, Morton, Saulsbury, Schurz, Spencer, Stewart, Thurman, Wadleigh, Washburn, and Windom—33.

So the report was non-concurred in.

Mr. RAMSEY. Now I move that the Senate proceed to the consideration of the post-route bill again.

Mr. MORRILL, of Maine. I move that a further committee be asked for on the post-office appropriation bill.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate further insist on its amendments and on its disagreements to the amendments of the House of Representatives, and request another conference on the subject of this bill.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Messrs. WINDOM, ALLISON, and DAVIS were appointed conferees on the part of the Senate.

#### THE GENEVA AWARD—RECESS.

Mr. FRELINGHUYSEN. I rise to make a report from the committee of conference on the Geneva award bill.

The PRESIDING OFFICER. The Senator from New Jersey presents a report which will be read.

The Chief Clerk commenced to read the report.

Mr. PATTERSON. I move that the Senate take a recess until eight o'clock.

Mr. STEVENSON. I rise to a question of order.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate take a recess until eight o'clock, and the Senator from Kentucky rises to a question of order.

Mr. STEVENSON. Yes, sir; to know why the Clerk is reading that report—whether it has been taken up.

The PRESIDING OFFICER. The Clerk is reading the report presented by the Senator from New Jersey from the committee of conference on the bill, pending which the Senator from South Carolina moves to take a recess till eight o'clock. The question is on the motion of the Senator from South Carolina.

Mr. STEVENSON. Before that question is put, I still have not the point of order I raised answered.

The PRESIDING OFFICER. The Chair cannot entertain the question of order at this time because it is not before the Senate. The question is on the motion of the Senator from South Carolina.

Mr. STEVENSON. I ask the Senator to withdraw the motion for a moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. DAVIS. Is it in order to move seven o'clock instead of eight?

The PRESIDING OFFICER. It is in order by the special rule of the Senate to move to take a recess at any time.

Mr. DAVIS. The Senator from South Carolina moves to take a recess till eight o'clock. I think that is too long.

The PRESIDING OFFICER. Debate is not in order.

Mr. DAVIS. Can I not move to amend the motion?

The PRESIDING OFFICER. The Senator can move to amend the motion.

Mr. DAVIS. At the suggestion of Senators, I move to amend by saying "half past seven."

Mr. PATTERSON. I accept the amendment.

The PRESIDING OFFICER. The question is on the motion as amended to take a recess until half past seven o'clock.

The motion was agreed to; there being on a division—ayes 33, noes 14; and the Senate (at five o'clock and forty-six minutes p. m.) took a recess until half past seven o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

#### CLERKS OF COMMITTEES.

Mr. ANTHONY. I offer the following resolution, which is customary at this stage of the session:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized to pay the salaries of the clerks of committees up to and including the 10th of July.

The resolution was agreed to.

#### ARKANSAS VALLEY RAILWAY.

Mr. SCHURZ. I would ask unanimous consent to call up a bill which is of great importance to the western interests, being House bill No. 2884.

Mr. FRELINGHUYSEN. I will let the regular order be waived for a moment.

By unanimous consent, the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company was considered as in Committee of the Whole.

The bill grants the right of way through the public lands to the Arkansas Valley Railway Company, a corporation duly created under the laws of the Territory of Colorado, its successors and assigns, for a railroad and telegraph line, now partially completed and in operation from a point on the line of the Kansas Pacific Railway at Kit Carson; thence southward to West Las Animas; thence westward along or near the Arkansas River to Pueblo, a distance of about one hundred and fifty miles, and within said Territory of Colorado, to the extent of one hundred feet in width on each side of the railroad where it may pass through the public domain and military reservation at Fort Lyon, including grounds for station-buildings, work-shops, depots, machine-shops, switches, side-tracks, turn-tables, cattle-yards, and water-stations, to the amount not exceeding ten acres, not mineral-lands, for each station, and for not more than one station in every ten miles.

Mr. EDMUNDS. Is there any provision in that bill which limits the time within which this railway shall exercise the right granted?

Mr. SCHURZ. Yes; six months.

Mr. EDMUNDS. I should like to have the clause read.

The PRESIDENT *pro tempore*. That part of the bill will be read. The Chief Clerk read as follows:

*Provided*, That within six months from the passage of this act the said Arkansas Valley Railway Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located,



Mr. BOGY. The road is built all the way through.

Mr. SCHURZ. I think I can satisfy the Senator from Vermont on that point.

GEORGE HENRY PREBLE.

Mr. HAMLIN. While the gentlemen are looking at that matter I ask to take up a bill which places Commander Preble according to his proper position in the Navy.

By unanimous consent, the bill (H. R. No. 2892) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I move that that bill be indefinitely postponed, and on the motion I wish to say a word. I have no idea that it will be postponed, but in order to enter my protest, as I do not want to take up time by the taking of the yeas and nays, I make this motion. I have heard something about this case, and believing it to be a jumping of an officer of the Navy when he ought not to be jumped over the heads of others, my only way now is to move that it be indefinitely postponed, so that the Journal shall show so far as I am concerned that I have no hand in the business.

Mr. HAMLIN. Before the question is put I want the attention of the Senate for a moment. This bill has twice met the approval of the Senate. It only restores Commander Preble to the precise position he would be in to-day but for the action of the Secretary of the Navy, and that action has been overruled by a board of inquiry.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the bill indefinitely.

The question being put, there were on a division—ayes 17, noes 19; no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Alcorn, Cooper, Edmunds, Frelinghuysen, Gordon, Hitchcock, McCreery, Robertson, Sargent, Spencer, Stevenson, Thurman, Wadleigh, and Wright—14.

NAYS—Messrs. Bayard, Boreman, Boutwell, Carpenter, Clayton, Davis, Fenton, Flanagan, Hager, Hamlin, Ingalls, Merrimon, Morrill of Maine, Morrill of Vermont, Pratt, Ransom, Schurz, Scott, Sherman, Stockton, Tipton, Washburn, and Windom—23.

ABSENT—Messrs. Allison, Anthony, Boggy, Brownlow, Buckingham, Cameron, Chandler, Conkling, Conover, Cragin, Dennis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Harvey, Howe, Johnston, Jones, Kelly, Lewis, Logan, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Ramsey, Saulsbury, Sprague, Stewart, and West—36.

So the motion was rejected.

The bill was ordered to a third reading, read the third time, and passed.

#### ARKANSAS VALLEY RAILWAY.

Mr. SCHURZ. The objection to the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company is no longer persisted in, and I ask that it be disposed of.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate.

Mr. EDMUNDS. I merely wish to say that that bill ought to contain a limitation of time in which the company should exercise this right or it should be forfeited; but it is a small matter, and they say the road, is really built so that practically there will be no need of that limitation. Therefore I do not insist upon the point; otherwise I should think it my duty to see that there should be a limitation.

The bill was ordered to a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, and agreed to further amend with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. EUGENE HALE of Maine, and Mr. WILLIAM E. NIBLACK of Indiana, managers at the same on its part.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall;

A bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang;

A bill (H. R. No. 3211) to change the name of the schooner Delmar;

A joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers; and

A joint resolution (H. R. No. 115) for the relief of certain clerks and employes of the United States.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3600) making ap-

propriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORRILL of Maine, Mr. SARGENT, and Mr. STEVENSON.

JOSEPH WILSON.

Mr. DAVIS. I move that the Senate proceed to consider the bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims.

The motion was agreed to, and the bill was read the second time and considered as in Committee of the Whole.

The claim of Joseph Wilson, for compensation for mules captured by the rebels in July, 1864, in consequence of the refusal of the pickets of the Army to allow him to pass within the lines and deliver the mules to the Government on his contract, is by the bill referred to the Court of Claims for its decision according to the law and the practice of that court in such cases and proceedings.

Mr. SCOTT. I deem it my duty to state that that bill did not receive the unanimous indorsement of the Committee on Claims, and I do not think it ought to pass. The party named in the bill had a contract with the Government to deliver mules in the city of Washington. He was endeavoring to fulfill his contract and got his mules near to the city of Washington at the time when Early's raid was made upon the city, and an order was issued prohibiting all persons from coming inside the picket lines. In consequence his mules were detained outside the picket lines, notwithstanding he was ready to deliver them, and they were captured by the enemy. A portion of them were recovered, and this bill proposes to send to the Court of Claims this case for the purpose of permitting him to make a claim against the Government for those that were not recaptured. I do not discover any difference between this man whose property on the way to be delivered to the Government was captured by the enemy and that of any other citizen whose property was captured by the enemy, and therefore I think it my duty to oppose the passage of the bill.

Mr. DAVIS. The bill, as the chairman says, was not unanimously reported, but pretty nearly so. This man had a contract to deliver the mules. If he has no right, the Court of Claims will say so. The bill refers it to the court for decision.

Mr. BOUTWELL. Is the bill before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. HOWE. No; the question is on taking it up.

Mr. SCOTT. That reminds me of another feature in the case. It is a contract; and if the party had desired to bring himself into the Court of Claims he could have done so at any time within six years from the time the contract was made. He did not do so, but preferred to present his case to Congress. I do not think it is one where Congress ought to grant relief.

Mr. FRELINGHUYSEN. As this is going to lead to discussion, I call for the regular order and ask for the reading of the report of the committee of conference.

Mr. DAVIS. I did not know that we had any regular order.

Mr. FRELINGHUYSEN. I call for the reading of the report of the committee of conference, which the Senate was engaged in when the recess was taken.

Mr. DAVIS. This will only take a moment. I only ask a vote.

Mr. FRELINGHUYSEN. If we can have a vote immediately I have no objection.

The bill was reported to the Senate.

The PRESIDENT *pro tempore*. Shall the bill be engrossed for a third reading?

The question being put, there were, on a division—ayes 15, noes 21; no quorum voting.

Mr. STEVENSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENSON. I wish to say a single word. This man, Wilson, entered into a contract with the Government for the delivery of a certain number of mules at the city of Washington. He took all the risks and got here upon the edge of the city, just upon the line, ready to deliver his mules, and waited there forty-eight hours. In consequence of an order of the provost-marshal he was prevented delivering them. The War Department would have paid him this claim; but he went and fulfilled his contract. He does not ask a dollar from this Congress. All that he asks is permission to go to the Court of Claims and there present his right for an infraction of a covenant which he thinks he has suffered by the act of the Government in regard to the delivery of these mules.

What objection can there be to allowing him to present his claim to the Court of Claims with a right to go to the Supreme Court of the United States? No class of contracts has been more frequently judicially acted on than this; and but three weeks ago the Senate allowed a gentleman to go to the Court of Claims whose claim had been barred by time.

Mr. BOUTWELL. Will the Senator inform us why this claimant did not go to the Court of Claims within six years?

Mr. STEVENSON. I will. Mr. Wilson, who is as reputable a man as my State has, came on the advice of my colleague, now dead, Mr. Garrett Davis, to Congress, and for several years attempted to get his claim through. I believe it passed one House, but I am not certain of that; but I am perfectly certain, because Mr. Davis told me so, that a juster claim never was presented in the world. He labored here for years and attempted to get it through. As we all know, just claims frequently are delayed. He is a farmer; he knew nothing about the statute of limitations or anything about his rights. He relied upon his Senator in good faith and he failed; and now all that he asks is to go to the Court of Claims with an appeal to the Supreme Court, to have it decided whether the Government broke its contract with him. If he has a contract, surely the Senate will not refuse him that privilege.

Mr. BOUTWELL. The case has this aspect: that this claimant did not avail himself of his legal right to go to the Court of Claims under his contract if he had one, or color of contract if there were color of contract, but chose to resort to Congress during the period of six years; and having failed up to this time he now asks Congress to let him go to the Court of Claims. That is, he had the right to go to the Court of Claims during six years; he did not avail himself of it, and now he asks to be put out of the usual condition of citizens of the country. If he had not the color of contract, then the proposition is to give him a standing in the Court of Claims which under the general law of the country he never had.

Mr. STEVENSON. And has it come to this, that a Government like this will put itself upon the technicality of defeating an honest claim because the man is not a lawyer and did not resort to the Court of Claims?

Mr. BOUTWELL. He had representatives.

Mr. STEVENSON. I say to the Senator from Massachusetts—I do not know how he voted on that case—that in the claim from North Carolina of the sons of Stephen A. Douglas they were allowed to go to this court. They had slept on their rights; and yet after the six years had expired the Senator, not more than four weeks ago, notwithstanding that they had been barred by time, passed a bill to allow them to go to the Court of Claims. Now, sir, do not make fish of one and flesh of another.

I know how pressed the Senate is for time, and I do not desire to take a moment. This bill, it seems to me, has a precedent in two or three cases, and the War Department itself, as I was informed, would have sent this claim of its own motion to the Court of Claims but for the fact that after this man had brought his mules here and waited twenty-four hours ready to deliver them, although they were taken from him he went back at his own cost and bought new mules and brought them here and filled his contract; and for that he is to be punished because he made a mistake in coming to Congress when the Senate themselves have allowed similar claims to go before the Court of Claims.

Mr. President, if this man has a just claim, why will Senators deprive him of the right to go to a judicial tribunal? Surely the Supreme Court of the United States acting as the court of last resort are able to say whether this man has been injured and has a right of action against the Government. That is all he asks, and I appeal to Senators as they did it in the case from North Carolina so to do it in this case from my State.

Mr. SCOTT. The reference to another case requires me to say one word more about this case. The case to which the Senator from Kentucky refers, in which the children of Hon. S. A. Douglas were permitted to go to the Court of Claims, was an entirely different case from this. In the first place both of them were minors and were unable to go into the Court of Claims for that reason. They had not capacity to sue in their own right. In the second place, and the controlling reason why they were permitted to go into the Court of Claims by special act, was that another party was claiming before the Court of Claims the same property for which the young Douglasses were making a contest, and it became necessary to permit them to go to the Court of Claims so that the relative claims of the contesting parties might be heard upon the evidence before that court. These were the two controlling reasons which entirely distinguish that case from the case that is now before us.

I do not place my opposition to this case going to the Court of Claims upon the fact that the party could have gone during the six years that he might have brought suit upon his contract. I put it upon the broad ground that this is simply asking to go to the Court of Claims for the purpose of recovering compensation for property captured by the rebel army. There is the principle involved. There is no distinction between this property captured by the rebel army and any other property that was captured by them. The fact that he was endeavoring to fulfill his contract in good faith makes no difference. If a farmer in driving his mules from Baltimore to Wilmington had had them captured during that time, we would not think of paying him. This man was in the course of his business fulfilling his contract, and he met with the misfortune of having his property captured and it was not recaptured. There is the broad principle to be settled in this bill: shall we pay for property captured by the enemy? I say we ought not to do so. If I could yield my convictions on this subject for any personal considerations, I would yield them to

the Senator from Kentucky; but the principle is too broad and too pernicious to receive the sanction of the Senate without opposition.

Mr. STEVENSON. I deny the fact stated by the Senator that this property was taken by rebels as an act of war. Mr. Wilson was here on the day he agreed to be here. He waited more than a day after he was here, and there is no principle better settled in contracts than that if I make a contract to deliver property personally on a particular day, and the other party does not receive it and by his own act puts it out of my power to deliver it, he is liable to me. While I bow to the distinguished Senator from Pennsylvania as a better lawyer than myself, I propose not to say that he is wrong and that I am right, but I ask the Senate as a matter of justice to leave this question to a cool, calm, judicial court, with the right of appeal to the Supreme Court of the United States; and if they decide that the Senator from Pennsylvania is wrong, it seems to me he ought to yield his opinion.

The Senator says that the Douglas claim was different from this. It is the first time I ever heard that infants could not sue. Why could not they sue by their guardian?

Mr. SCOTT. They had none.

Mr. STEVENSON. The Senator says they had none. I do not know whether they had any or not. I know that the administrator of Stephen A. Douglas did come to Congress, did petition Congress, did ask Congress, and did lose his time, as my constituent is losing his in seeking relief. The Senator can see in that case merit. Sir, I would vote for that claim, and I would vote for any claim that I believed to be just and right, without regard to the position or standing of the claimant. Let it not be said that the distinguished name of one man led the Senate to do an act which they are unwilling to do for a hard-working, honest, upright man, who brought his property here under a contract with the Government, who waited twenty-four hours and was then prevented from delivering it by the act of the Government itself, and who now asks not to be paid, but appeals to the Senate and says, "Let me go to the Court of Claims; if I have got a case I will get what I deserve; and if I am not entitled to anything, I will lose the \$20,000 that I invested in carrying out my contract." Can it be possible that Congress will say to him, "No; we did it in one case, but we will not do it in yours." Senators, be just. Senators, look to no condition or class of cases.

Honor and shame from no condition rise,  
Act well your part; there all the honor lies.

This man is an upright, honest, plain farmer, in the county of Bourbon, and he appeals to the Congress of his country to allow him to go to a court to say whether he has a claim or not, and that claim has a precedent hardly dry upon your statute-books; and I ask the Senate as an act of justice to grant this request.

Mr. EDMUNDS. "Acting well your part," so far as the Senator from Kentucky and his political associates are concerned, is to vote every time in favor of any species of claim growing out of the war by citizens south of Mason and Dixon's line. I think I speak by the record when I say that on every vote which has been taken in the Senate since I have been here, for eight years, the part of the Senator from Kentucky during his presence and of all his political associates has been to vote without exception and in solid phalanx, in favor of every claim growing out of the war; certainly in favor of every claim south of the line I name. Of course they do it from patriotic motives; they do it upon principle. We all understand that.

But, Mr. President, when you come to look at this particular case, it is cutting a little fatter. You will find this bill goes a little farther, on the face of the bill, (for the eloquence of the Senator from Kentucky is not put into the enactment,) than any bill that has ever been presented to the Senate. The Milton Best bill and all that class of bills on the face of them profess to be for something that the Union Army has taken for its use in one form or another so as to fall within a principle that we all understand. This bill, on the contrary, puts this man and his property outside of the neutral lines, and therefore in the country of the enemy. It puts him in the attitude of coming from the lines of the enemy, and while coming through the lines of the enemy, and while waiting to undergo the ceremonies which war required us to have with any people coming within our lines from the other side, his property is captured. The bill itself settles the question for the Court of Claims that this capture was "in consequence of the refusal of the pickets of the Army to allow him to pass." He starts in the Court of Claims with our determining that, without knowing anything about it to begin with.

Then it is a claim "for compensation for mules captured by the rebels." It is not for compensation for any act of the Government of the United States in violating a contract, but it is "compensation for mules captured by the rebels in July, 1864, in consequence of the refusal of the pickets of the Army to allow him to pass within the lines, and deliver the mules to the Government on his contract."

Now, I should be glad to know how this man and his mules, before we send this case to the Court of Claims, came through the rebel lines; what information he got there; what information he intended to carry back if he was to return by the same road he came, as I assume he was.

Mr. DAVIS. I will inform the Senator that the mules came from Kentucky, and were driven in from the Union lines, from Baltimore.

Mr. EDMUNDS. From where?



Mr. DAVIS. From Baltimore, in this direction. They came from Kentucky.

Mr. EDMUNDS. So I remember the Union Army was driven in from Baltimore at one time, too.

Mr. DAVIS. And many other places.

Mr. EDMUNDS. Certainly they were; the Senator is right. We were not able to resist the pressure of his friends at all times, I admit.

Mr. DAVIS. If the Senator will allow me, he asked where the mules came from, and he said they came from the confederate lines, or wondered if that was not so. In response to that, without meaning to have said they came inside or outside of the lines, I intended to tell the Senator where they did come from, and he knows as well as I do that Kentucky in 1864 was in possession of the Union Army and so continued almost the entire time.

The facts of the case are these: Wilson contracted with the Government to deliver five or six hundred mules here. When he approached—

Mr. EDMUNDS. I thought I had the floor.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. EDMUND. Of course I do; how can I help it?

Mr. DAVIS. I understood the Senator to say he would yield. However, as I have commenced I will state that the facts are, the mules were driven to the picket lines out near Bladensburg, and by the pickets, under a general order they were kept there, as has been stated by the Senator from Kentucky, for twenty-four hours. On the following day, while they were retained there, the rebel cavalry came around in some way and drove the mules off. I believe that is the whole story.

Mr. EDMUNDS. The Senator need not have taken all this time to convince me that the mules came from Kentucky. That was stated before, and the zeal of my honorable friend from Kentucky showed that also. We can take it for granted that the mules came from Kentucky. So a good many people in the rebel army, who on that very day were attacking us in Fort Stevens, in July, 1864, came from Kentucky. Kentucky was a State that was about half-way betwixt and between these people. I do not speak of its government. My honorable friend, the Senator from Kentucky, I believe, was governor part of the time, and a more vigorous and honorable warfare than he made against the rebels never was made so far as I have any reason to know.

But, Mr. President, in July, 1864, the very time when this celebrated capture occurred, the rebel army had almost surrounded the city of Washington; you may say it had quite surrounded it on the land side; it was within four miles of the spot where I am now speaking, cannonading the outworks of this city; and now it is proposed because this man on that very day, coming from outside our lines, was delayed by the pickets, when we were in the heat of this extreme stress and discomfort at that time, to say that he has a higher claim than anybody else, and he must be sent to the Court of Claims instead of his case being tried here on its merits. It seems to me to be a very extraordinary proposition; and I say that this bill commits the United States on the face of it to the fact that we are bound to agree to the circumstance that it was through the fault of the United States that the capture was made. What evidence have we of that? Is there no stress of war which will justify the Government of this country in keeping up military lines around this city? And if you do keep them up, are you to say that everybody who chooses to come to Washington to carry out his contracts shall not submit to the overruling military necessities of the occasion, and if he gets captured himself, or his property gets captured, he has a claim upon the Government of this country for reimbursement? That is the question.

I say therefore I am justified in the remark that this bill, on the face of it as it reads, goes beyond anything that has ever been contended for on this floor before by any member of the Senate whose views have been in favor of maintaining the Union and maintaining the Administration that saved it. We have differed as to whether the case of Best and cases of that character fell within a particular principle or fell without it; but no one has ever before proposed to declare what this bill on the face of it declares. It says nothing whatever about a liability on a contract or a right to sue upon a contract; but it declares that in the stress of war, when this city was invested by rebel arms, the property of this citizen being without our lines, and therefore either in the debatable country or in the country of the rebels at the moment, happened to be captured on account of the fact that the stress of war made it impossible for him to get through our lines with his property, he shall be repaid.

So, Mr. President, you may repay everybody through the whole four years of that struggle who, detained in the Southern States or kept outside of our lines by those reasons of military prudence that apply, as we all understand, in such instances, can come here and say, "What you have done for Wilson of Kentucky do for me." You see the effect of bad precedents very readily here. The Senator from Kentucky now stands most eloquently and vigorously upon the Douglas precedent. That may be a bad precedent. The Senator from Pennsylvania entirely distinguishes that case from this. If he is correct, as I have no doubt he is, it is a clear distinction, and the Senator from Kentucky well understands it. He thinks the Senator from Pennsylvania is not correct. But you see the force of precedents, because

now the Senator hangs with such vigor on the fact that we have done something like this. Now, suppose you do this, and say you will send to the Court of Claims the claim of a citizen for compensation for mules captured by rebels in 1864 in consequence of military operations. That is what the words "refusal of the pickets" to let him in mean. The army engaged in defending this city had to be a little cautious in respect to what people it let within the lines. Therefore, in consequence of the stress of military operations, it is said he was delayed. Take it that he was; we do not know that; we have had no testimony under oath and no cross-examination of witnesses; we do not know what the case was. The Senator from Kentucky believes it undoubtedly; I am not questioning his beliefs; but we cannot pass bills upon faith which involve consequences like these. We must pass them upon facts.

Mr. SCOTT. If the Senator from Vermont will permit me to correct what perhaps is a misapprehension in his mind, the Douglas case was not for property captured by the enemy, but it was for property taken and used by our own Army upon their plantation.

Mr. EDMUNDS. That I perfectly understand. I did not refer to that from the fact that the distinction which the Senator stated as to the circumstances under which they were allowed to go to the Court of Claims was so complete that it was not necessary to occupy the time of the Senate in going over the other ground.

Now, as the Senator suggests on the subject itself, the subject of the Douglas claim was one which if just in its origin fell clearly within the principle of cases wherein we ought to pay, as we all agree. In this case, the bill upon the face of it declares that this is a warlike capture. It refers to the date when this city was invested by the enemy, and it states as a reason for our liability that the stress of military operations compelled us to exclude this man from our lines, he being upon the other side, and so his property was captured; and I say the bill settles that so far; it does not leave it open even for the Court of Claims to judge upon that. But I do not care about that. I say we never did and we never ought to submit to the Court of Claims any question of that character. If this man is to be paid, let the Senate take the responsibility of declaring that they will pay for property captured outside of our lines by the superior force of the rebel arms. Let us say so; but do not send to the Court of Claims a thing nobody ever thought of sending there before, so far as I know, the clear case of a man demanding pay for property captured by force of war when a city near which he was attempting to enter to perform a contract with the Government was surrounded and invested by the rebel forces. That is this case; and I am surprised that my friend from Kentucky should urge it.

Mr. STEVENSON. Mr. President, the Senator from Vermont may justly aspire to be called the Aristides of the Senate if his justice to the Government is to be measured by his persistent opposition to almost every private claim. But if even that Senator knew all the facts in this case I am sure that he would not oppose the passage of this bill.

I deny *in toto* the proposition of the Senator of Pennsylvania, [Mr. SCOTT,] that the mules for which compensation is sought was an ordinary capture by the enemy in war. This claimant seeks damages for the violation of a contract by the Government in preventing him from delivering a number of mules which he had bound himself to deliver for the use of the Army at the city of Washington on a particular day during the war. The Government refused to allow him to enter the city with his mules either upon the day before or the day named in the contract for the delivery of said mules in Washington. He was on the boundary line of the city, in full view of the Capitol, for twenty-four hours before the day of the delivery. He tried to obtain permission to enter the city, but by military authority was prevented from doing so, and was prevented thereby from delivering the mules. It was the direct act of the Government which prevented the delivery. A day after, in front of Washington, the mules were taken by the confederates. The claimant lives in Bourbon County. When he left Kentucky there was no indication or suspicion of an attack upon Washington. So sudden was the demonstration by the confederates upon Washington that President Lincoln, though warned by rumor of their advance, did not believe they would attempt to come to Washington, and refused for several days to take any steps by recalling troops from other points for the defense of the capital. He believed it a device. The battle at the Monocacy alarmed and struck terror into the people of Washington, because of the want of a sufficient force to repel the threatened attack. This claimant left Kentucky without any reason to fear any assault on Washington, nor had he ground to apprehend any encounter whatever with any portion of the Army. It required two or more weeks to drive his mules from Kentucky to Washington City. At the time of his departure there was no enemy between Kentucky and Washington. It was only after Wilson had been for many days on the road with his mules that the confederates determined to make a demonstration upon Washington. He was in advance of them and they in his rear.

He did reach Washington twenty-four hours in advance of the confederates. He notified the War Department that he had reached the outward lines of the city with the mules a day before the period named in the contract for their delivery and he was anxious, ready, and willing to deliver said mules. The military authorities in consequence of the approach of the enemy had issued an order forbidding

ingress or egress from Washington. Wilson was refused admittance into the Federal lines with his mules. The confederate army approached and took the mules, but by energy and effort he recovered a portion; the others were never recovered and their value was a total loss. Wilson having been ready to deliver, according to the terms and tenor of his contract, at the place and time, the Government interposed—it matters not for what purpose—and prevented the delivery of the mules. Is Wilson entitled to an action for a breach of his contract with the Government? Able and eminent Senators, who rank as lawyers of pre-eminent ability, deny that the Government is liable in the premises. Why not? It failed to permit and absolutely prevented Wilson from delivering his mules and thereby became liable for any damages sustained by Wilson in consequence thereof.

The claimant Wilson now comes to Congress and asks to be permitted to set up his claim in the Court of Claims with an appeal to the Supreme Court of the United States. The application is simple. It is just. If Wilson is entitled to nothing he gets nothing, he will get nothing. Why are the Senators from Pennsylvania and from Vermont opposed to this bill? The right of the claimant is purely a judicial question. To what better tribunal could the claim be referred than to the Court of Claims?

What objection can be urged against its passage? The Senator from Pennsylvania says the claim is bad. He denies all liability on the part of the Government. I deny it. Why not allow the Supreme Court, upon an appeal from the Court of Claims, to tell us what the law is? His denial of liability of the Government begs the question. That is the point upon which the claimant desires adjudication. The Senator from Pennsylvania says you shall not sue in the Court of Claims, because the Government owes you nothing.

Mr. President, I was pained to hear the Senator from Pennsylvania, who is the chairman of the committee by which this bill was reported, attempt to excite the Senate by referring to Kentucky as neutral during the war. He was pleased to talk in grandiloquent style about loyalty to the Government. The Senator from Pennsylvania is a good lawyer, and if he is satisfied that is legal position in the construction of this contract Wilson can recover nothing. Why awaken the bitter strife of the war? Why does the Senator seek to defeat this just claim by depriving the claimant of appealing to the judicial tribunals? Why arouse party animosities and sectional feeling? Justice is represented as blind, holding the balance with an even hand, unable to perceive the litigants.

Let this claimant appeal from this forum, where party and passion too often blind and mislead us, to that quiet, calm, judicial tribunal by which justice is sought to be administered without any external disturbing influence.

I hope Senators will lend me their aid in passing this bill.

Mr. SCOTT. Mr. President, I had no idea when my friend from West Virginia asked to take up this bill that we were to be precipitated into such a discussion as this; but the appeals which are made by my friend from Kentucky to Senators, the very earnestness of those appeals and the manner of them, warn me that as the chairman of the Committee on Claims I have a duty to perform before the final vote is taken on this bill.

Now, sir, if the Senator from Kentucky will cast his mind's eye back for a short period he will see that there has been no disposition to discriminate against Kentucky claims. It was, perhaps I do not go far wrong in saying, neutral ground for a long period of time. When he remembers that to the one city of Lexington more claims have been awarded, and larger claims than to any other city that I can now call to mind except Nashville, he certainly will agree that there has been no disposition here to discriminate against Kentucky. A literary institution there received \$25,000; an agricultural and mechanical association, within the last few days, has had voted to it \$25,000 more for the occupation and destruction of its grounds; a bill was passed at the instance of the Senator himself a few days ago to pay a lady in the city of Lexington for the occupation of her property; and now, sir, we are asked to take up a bill, and because the claimant is a citizen of Kentucky we are appealed to upon grounds of sympathy to set a precedent which will return to plague us before very long.

I have said Kentucky was neutral ground. How often was it invaded by the confederate army and how many mules were captured and run off from Kentucky by that confederate army? I wish my friend were in his seat to answer the question.

Mr. STEVENSON. I am here.

Mr. SCOTT. How many mules were captured in Kentucky by the confederate army and run away from their owners during the four years of the war?

Mr. STEVENSON. I cannot tell.

Mr. SCOTT. Hundreds of them, thousands of them perhaps; and now I ask any one who recognizes the rule that a government is not responsible to its citizens for property captured by the superior force of the enemy to point to me the distinction between the claim that will be made for the mules captured on the farms of loyal men in Kentucky and the mules captured outside of the city of Washington when forces led, if I am not mistaken, a part of them, by a distinguished citizen of Kentucky against the Union, were beleaguering the city. Where is the distinction? The Senator says that this citizen of Kentucky was here endeavoring to fulfill his contract with

the Government. So he was. Was it the fault of the Government that he did not get his mules here?

Mr. STEVENSON. Yes.

Mr. SCOTT. The fault of the Government?

Mr. STEVENSON. Yes, sir.

Mr. SCOTT. Surely my friend is not considering the extent of his assertion when he says it was the fault of the Government in issuing an order for the purpose of preventing the entrance here of an enemy that sought to dismantle this capital and destroy this Union. That was what the Government did. It issued an order to prevent access to this capital by those who were seeking the nation's life and were in battle array for the purpose of taking it. Tell me it was the fault of this Government to issue that order which kept that man and his mules out of Washington! If it was, it was the fault of the Government in issuing every order from the 12th of April, 1861, down to the day that the rebel army surrendered in Virginia. It was the exercise of the sovereign power of the Government for the purpose of preserving the nation's life; and the fact that that order prevented this man from coming into Washington gives him no more claim against the Government than the fact that the war was raging would give to every loyal man in the nation for property captured by the enemy.

Within the last few days we have had a discussion in this Chamber and a vote which warns us where we are drifting; and I want to say to the men of the South who have been standing here asking for the payment of loyal citizens of the South, that the course which is now being taken has led many of those who have been the advocates of the payment of loyal citizens to consider seriously whether the point which we have now reached is not the one from which our steps should be retraced in giving payment to loyal citizens of the South, whether the danger which menaces us in the precedent set in this Chamber a few days ago, if followed by passing this bill, is not one which bids fair to bring upon us hundreds of millions of claims as well founded as this one or as the one to which I refer.

Mr. President, I had intended to say very little, I had intended to call the attention of the Senate simply to the facts in this case, to a principle which it involves, and to permit the Senate to vote upon that principle calmly and dispassionately; but the fervent appeals that have been made here by my friend from Kentucky to the sympathies of Senators, appeals to do for this man what he alleges they have done for others—his earnestness in doing all this has led me to say that we have a duty to perform in standing between such claims and the Treasury of the United States; for if we admit this, the torrent which will soon rush in will render opposition vain, vain, sir, to any of the classes of claims which are now hovering around us and seeking for precedents upon which to place themselves.

Mr. STEVENSON. I shall not, Mr. President, imitate the example of the Senator from Pennsylvania [Mr. SCOTT] in fighting over in this Chamber the battles of the late rebellion. If that Senator feels that to defend the passage of this bill recommended by a majority of his own committee it is necessary for him to rekindle the expiring embers of that bloody strife which every patriotic heart should desire to extinguish—if his success demands an appeal to the party passions and sectional prejudices of the dominant majority of the Senate rather than to their judgment and justice, be it so.

Mr. SCOTT. I have awakened no passion.

Mr. STEVENSON. Awakened no passion? Attempted to arouse no bitter sectional animosity against this humble, honest claimant by endeavoring to indirectly rail at the disloyalty of Kentucky!

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator will address the Chair.

Mr. STEVENSON. I am addressing the Chair. I have a right while debating a bill to turn to the Senator to whom I am replying without entrenching upon any rule of this body.

Mr. SCOTT. The Senator asks me what appeals I made. I believe I stated a historical fact—if I am wrong he will correct me—that in the raid upon Washington in 1864 a portion of the army besieging the capital was led by a distinguished citizen of Kentucky. Am I wrong in that statement?

Mr. STEVENSON. The Senator is not wrong in his historical statement. But why that reference? *Cui bono?* What matters it to one proper decision of the question before the Senate whether the confederate forces before Washington were led by a Kentuckian or a Marylander? Why this allusion to a brave and gallant Kentuckian, now in private life, who linked his fortunes with the confederate cause and distinguished himself upon many a battle-field, winning the admiration of his foes? Was such a reference pertinent to the merits of the bill? Is not the motive of such allusion transparent? Had it any other object? Did it seek any other end than the defeat of this bill by awakening the animosities of the war and rekindling the prejudices of the past against Kentucky, because brave men in that Commonwealth differed in their views and sought service alike in both the Union and confederate armies?

The Senator from Pennsylvania is pleased also to refer to the property of the United States captured by the confederates in Kentucky during the war. But still he says he is making no sectional appeals. Mr. President, Kentucky sprang from the loins of Virginia; bone of her bone and flesh of her flesh. How natural the sympathy, the affection, the interest of the daughter for the mother in a clash of arms! But while the Senator from Pennsylvania endeavors to arouse sec-



tional passion against my State because many of her sons flocked to the confederate standard, he seems oblivious to the historical fact that thousands and tens of thousands of brave Kentucky hearts, separating themselves from all the ties of section, kindred, and natural sympathy, rallied to the flag of the Union and gave their lives and their fortunes for the unity of these States.

Does the Senator from Pennsylvania forget how many Kentucky soldiers found bloody graves and now sleep in the national cemetery at Gettysburgh? Would he prove his gratitude to their heroism in saving his own Commonwealth from confederate rule by attempting to defeat the right of a Kentucky citizen to go into the Court of Claims to have an adjudication upon his claim against the Government for supplies furnished to the Union in that gigantic struggle? Is there anything unusual in this application? Are not the archives of Congress, the records of the Court of Claims, and of the Supreme Court of the United States full of precedents in support of the privilege granted by the pending bill? Do not Senators personally know that the War Department often and justly refer meritorious claims, barred by time, to the courts for adjudication? Is not such a course just and proper? But this claimant lives in *disloyal* Kentucky, and however loyal himself, because Kentuckians went into the rebellion, the bill must be rejected!

Mr. President, I am tired and sick of this continued attempt in Congress to defeat just claims by appeals to the passions and prejudices. In God's name, let the dead past bury its dead; let our charity, our justice, our love of country forget the past, and look to the future.

Kentucky needs no defense against assaults from any quarter. Her past history as a State is her highest eulogium. She asks equality and seeks justice for her people. From the bloody fields of the Thames and the Tippecanoe to the city of Mexico, Kentucky soldiers who fell in the honor and defense of their country quietly sleep. If you ask a pension for these old soldiers who live or their widows who survive them, the cry is still made, were they loyal? Widows in Kentucky, whose farms were taken and occupied for years during the rebellion, timber cut and fences destroyed, are denied compensation upon the *ipse dixit* of a mere quartermaster's clerk that they were disloyal. Thousands of dollars' worth of quartermaster's stores were furnished by the best and worthiest men in Kentucky, taken by the Government, and they are denied compensation because they sympathized with the rebellion.

And now a worthy, upright citizen of Bourbon County, Kentucky, who contracted with the Government of the United States in 1864 to deliver on a certain day named several hundred mules in Washington City for the Army, who fulfilled his contract, and upon the day preceding the day named in the contract for the delivery arrives at Washington with his mules, but is prevented by a military order issued by the Government from entering the city, which subsequently fall into the hands of the enemy, asks Congress to allow him to go into the Court of Claims and assert his right to damages for a breach of contract, and it is sought to defeat him because it is a capture of property pending the war for which the Government is not liable! If the doctrine asserted by the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Vermont [Mr. EDMUNDS] be law, then the Court of Claims, or the Supreme Court of the United States to which there is an appeal, would so declare, and this claimant would get nothing.

I deny that this claim rests on the doctrine asserted by the Senator from Pennsylvania. It does not stand on the ground of property captured by the enemy.

In contracts for the delivery of personal chattels the Government occupies the same position as a private individual, and is governed by all the rules of construction applicable to them. If the Government contracts for the purchase of personal chattels, to be delivered by the contractor at a place and day named, and the Government by its strong arm prevents the delivery, the contractor is entitled to all the damage which he sustains by the act of the Government. The Senator [Mr. SCOTT] denies the proposition of law asserted by me. I insist upon its correctness. Why not allow the courts to decide it?

Senators, be just, as I know you will be; let not the appeals of the Senator from Pennsylvania to your passions and your prejudices lead you to deny to this worthy and honest Kentucky farmer the privilege of an adjudication upon his rights by the judicial tribunals of his country. He can get nothing without, by the judicial construction of the law, he be entitled to it. Surely you would not deny him what the law accords. He asks nothing more; he should receive nothing less. I ask that this bill may be passed.

Mr. TIPTON. Mr. President, if I can be instrumental in one word in allaying this storm of passion which has swayed the Chamber for the last half-hour, I shall certainly have brought the Senate to a proper frame to contemplate peace and harmony and domestic felicity in the Territory of Utah. [Laughter.] I wish to call attention to the fact that while the Senator from Kentucky has shown a little warmth in regard to the patriotism, as he thinks, of his constituency and his State, on the other hand the Senator from Vermont, as I think, appealed to the prejudice of the country and to that bitterness and asperity which we trusted had been allayed forever. When I saw a general of the Union army on the one side of this Chamber and a general of the confederate army on the other side of this Chamber, I supposed that we had entered upon a reign of peace and amity and comity and friendship, that it would not be considered legitimate debate to make appeals to the passions and references to the bloody past; but

the honorable Senator from Vermont seems to think otherwise. When therefore his attention is called to the fact that a Kentuckian has a claim before the Senate, his first reply is, "Why, there were rebels in Kentucky." But the answer is made, "Yes, but he had a contract under seal with the Government of the United States." "Very well," says he in reply to the contract; "did not Kentuckians attack us in the war?" "Yes; but he brought his mules from Maryland." "O, but was not the Union Army attacked in Maryland?" and it is blood and thunder and the Union Army that is to be the omnipotent reply to a contract under seal in the hands of a loyal Kentuckian. I find the prototype of this and of the honorable Senator on this occasion in the history of a distinguished Captain Blakely, of Vermont.

Captain Blakely was at some place in the vicinity of the Chincha Islands engaged in the guano trade, as many another man from the State of Vermont has made his fortune, and many orators have had embellishments from the garlands plucked from the Chincha Islands. Captain Blakely's mate was killed by a celebrated captain who was outlawed on the coast. Captain Blakely arrested the officer who had killed his negro mate, sent out word to all the captains in the port that he wished them at nine o'clock in the morning to come on board his vessel and see him execute the man that had killed his "nigger," as he termed him. "But," said they, "Captain Blakely, has the man been tried?" "Tried!" says he; "certainly not; didn't he kill my nigger?" "Ah, well, but you wouldn't hang him without a trial; how would it sound?" Said he, "Sound be hanged! Didn't he kill the nigger?" [Laughter.] "Of course nobody denies that." "Well, then I am going to hang him anyhow." "O, well, but that would be murder." "Well, then, let us hang him first and try him afterward," says the captain from Vermont. "Well," said they, "but you will have to have him tried or your country may be involved in difficulty." "Yes; but I should reply to them, 'Didn't he kill the nigger?'" Accordingly he yielded to the trial. "How long will it take?" "Only a few minutes." "Very well, then; I will bring the prisoner and bring the rope at the same time. Go on with your trial." After they went through with the trial and found the captain guilty of murder, he took out his old Bible that he had carried down from the State of Vermont with him, and read to the criminal the first two chapters of the book of Genesis. After he had got through reading to him, with the rope around his neck, the first two chapters of the book of Genesis, he turned to him and said: "Now, didn't you kill the nigger?" He got no confession. Said he: "I have done for you more than most men would do; I have read to you the first two chapters of the book of Genesis;" and he swung him off, taking out his watch deliberately and timed him for just thirty minutes, cut him down, and as he was about to hand him over for burial, and gazing upon his prostrate body, finally he showed some emotion, some twinges of conscience, and when all was excitement to understand what was operating upon the heart of the captain, he looked sad and dejected, and said he, "Well, I have just been thinking perhaps I ought to have burned him at the stake, but then I was trying to do for the best." [Laughter.] And here comes the honorable Senator with all the mercilessness of attack on this loyal Kentuckian, slays him here in the Senate house of the nation, and has only compunctions that perhaps he had not done his duty and did not burn him at the stake.

Mr. FLANAGAN. I shall not certainly make any lengthy speech; but I think I can demonstrate in about fifteen words that this party ought to be relieved. In the first place, it is manifest that there was a contract entered into clearly and fairly, and that in good faith the mules were delivered directly near the point where they were to be received; but from the fact that the pickets were so arranged as not to permit them to be delivered, the party contracting could not comply. But, sir, what are the facts? The rebel army captured these mules. If that be a good plea, as is strongly urged by distinguished Senators, the force of it is subsequently lost, because finally the United States Government captured them, and yet has them in possession, and it must now pay for them agreeably to the original contract because it is now possessed of the property.

Mr. SCOTT. The Senator is very much mistaken; they were not all recaptured.

Mr. THURMAN. Mr. President—

Mr. FRELINGHUYSEN. If we can have a vote I will give way, but otherwise I must call for the regular order.

Mr. THURMAN. There is no regular order.

Mr. FRELINGHUYSEN. I think there is.

Mr. THURMAN. This is the regular order.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Ohio has the floor.

Mr. THURMAN. I do not like to intermeddle in this mule matter, which is the source of so much eloquence and wit; but I desire to say in about ten sentences that if this were a controversy between two individuals, I do not think there is a lawyer in the Senate who would hesitate a moment how it ought to be decided. If I agree to deliver a certain article at a specified time within the house of another, and when I go with the article at that time he locks the door and will not let me in, no matter how good reason he may have had for locking the door, no matter though in morals and in conscience and in delicacy he was perfectly right in locking the door, yet I may set the article outside of the door, and it is at his risk. If that is not law, I do not know what law is.

Here was this man bound to deliver these mules within the city of Washington. For a good reason, if you say so, the Government did not see fit to let him come with his mules inside the city of Washington just as a man for a good reason will not let him come inside his house to deliver the article which he proposes to deliver in that house. For a good reason the Government did not do that; but that was the misfortune of the Government; the man had done all he could do; and if the Government for reasons sufficient to itself prevented him from making that delivery, kept him outside of the house, kept him outside of the city, the property was then at the risk of the Government. That is the whole case.

Mr. EDMUNDS. It is not quite the whole of this case, as I see from a communication from the Secretary of War which I find in the papers. This petition has been before Congress regularly since 1865, or earlier, has been reported upon adversely once at any rate, but of course that does not bar the Senate now although we do have a rule that when there has been an adverse report on a claim it shall not be brought up again except on fresh testimony. There is no fresh testimony here; but I do not mind that.

The Senator from Ohio says that it is exactly like the case of a private citizen who makes a contract and the other party tenders performance and he is entitled to pay. Suppose this man had contracted for these mules with the Senator from Ohio, to be delivered in Washington in July, 1864, and through the stress of war the week before an order had been made that the military authorities would allow nobody to pass through the lines dividing the Federal from the rebel forces; and this man comes from the rebel side of the line with his property and is prevented by the military forces from coming in. Now is the Senator from Ohio liable in such a case? Of course he knows that he is not. Is the Government of the United States liable in such a case? The Senator concedes by his argument, as I understand him, that it would not be. If I am wrong in that—

Mr. THURMAN. I did not hear the case exactly as put by the Senator.

Mr. EDMUNDS. I said supposing this contract had been made by this gentleman and the Senator from Ohio to have these mules delivered on the 12th of July, 1864, at the Capitol gate in the city of Washington. On the 6th of July, owing to the rebel attack and investment of the city, the President of the United States and Commander-in-Chief of the forces made a general order commanding that no person be allowed to pass the picket lines of the Union Army surrounding the city either way. That was the order. We have it here. That order having been in force for six days, or three days, or one day—no matter about the time—the actual owner comes with his mules to bring them into the city to deliver them to the Senator from Ohio. He is prevented by the military forces, in obedience to military order and necessity. Now, I say the Senator from Ohio would not be liable.

Mr. THURMAN. What has that to do with this case? The Senator from Ohio was not the Government and could not be the Government. Take the case where the Government itself prevented the delivery.

Mr. EDMUNDS. Will the Senator be kind enough to answer the question? The Senator does not answer it because he sees it has something to do with the case. That is what is the matter. I take it therefore to be clear that the Senator from Ohio would be under no obligation to this citizen from Kentucky. Would the Government of the United States be under any obligation to the citizen from Kentucky in the same case because it through military necessity to defend its capital had established a military line around here resisting the rebel forces at that time, and had therefore delayed the entrance of the citizen with his property into the lines of an invested city? Clearly not, although I dare say that will be the law if the numbers of our adversaries on the other side increase after a few years, as I am glad to hope they will not. But now the law is plainly that the United States would not be responsible.

Then, what difference does it make when the United States in its capacity of carrying on business happens to be the contractor, and in its sovereign capacity as defending its capital in a state of war happens to be a belligerent, that because in order to defend its capital, treating all citizens alike and not directing its refusal to this particular man in order to break up his contract, but through military necessity to keep up an absolute cordon impassable about this city, the man loses his property? Where is the difference? In the one case he has contracted to deliver to my friend from Ohio; in the other case he has contracted to deliver to the Quartermaster-General. In neither case is the United States liable, because what is called a breach of contract was a breach from overruling necessity of war. That absolves all parties; and that necessity was just as overruling when the Government in its capacity as sovereign, bound to defend the capital, resorted to this general method of defense by preventing any passage of the lines, applying to its citizens who came to deal with it as well as those who came to be among themselves. There is no difference.

But, Mr. President, I do not want to discuss that question. I only want to say that this bill, upon the face of it, takes it for granted and excludes the Court of Claims from any right to inquire through whose fault in fact it was that this property did not come through the lines; whether this man was keeping his mules back, under pretense of inability to get through, in order that the rebels might take them, or whether he was not. You do not allow the court to inquire

into that subject at all. Your bill declares that he shall have compensation in consequence of the refusal of the pickets to let him through. You take all that to be proved now. You do not allow the court to take testimony on the subject. Is that the way to get at the truth? I do not mean to say that I have any knowledge or suspicion that this man did not do everything he could. I only say if you are going to have a trial in court, have one; do not undertake to decide in advance and without any testimony the part of the case which makes you liable, and then send the man to a court to get his pay.

Mr. President, if this had been a bill which simply declared that under the circumstances of this man's trying to get redress through Congress he had been misled in not going to the Court of Claims for the breach of his contract, and simply declaring that it removed the statute of limitations upon any right of action that he might have had, without foreclosing that question, it would have been a very different bill from the one before us. Then the man would have had exactly the right for a breach of this contract that he had the day after it was broken, if it was broken at all. But this does not undertake to do that. There would be grave doubts about the propriety as a matter of precedent to other citizens, because every one of these things is drawn into precedent, if even consenting to remove the statute bar. But this bill takes the whole thing by the body and does not treat it as a question of violation of contract at all; it treats it as a question of belligerent capture and declares that there was such a capture on account of the military operations of the United States; and then says that the court according to its rule of practice—and who in the world knows what that is? I do not—shall proceed to determine the amount this man shall have.

Mr. President, I move that this bill be postponed until the first Monday in December, when we can have time to consider more particularly the important questions contained in it.

Mr. DAVIS. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The Chair so understands.

Mr. EDMUNDS. That was on the third reading. I want the yeas and nays now on the motion to postpone.

The PRESIDING OFFICER. The Chair understands that the yeas and nays have been ordered on the third reading of the bill; but the motion to postpone takes precedence.

Mr. HOWE. If the question of postponement can be taken now, I am willing to vote without saying anything.

Mr. STEVENSON. Will the Senator from Vermont withdraw his motion for a second?

Mr. EDMUNDS. No, sir.

Mr. STEVENSON. I only want to offer an amendment to meet his objection.

Mr. EDMUNDS. I want to consider amendments when they come, not in the heat and haste we have now. If the Senator is sincere, as I have no doubt he is, in the belief that this man ought in some way to have reasonable relief, this being a Senate bill, at this time of night on the last day of the Senate, I think he will agree with me that it is not very hard, considering the doubt and difficulty that surround the question in the form it now stands, to let the matter be postponed till the first Monday in December, (because there is no hope that the bill can pass to-day anyhow,) when we consider it fairly, and I confess there will be a good deal of force in the argument then that if you put him back exactly where he was, there might be some ground for it, though I do not commit myself on that point. Therefore I insist on my motion to postpone the bill till the first Monday in December.

Mr. STEVENSON. I call for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WADLEIGH, (when his name was called.) The Senator from Kentucky having agreed to amend the bill to remove the objection of the Senator from Vermont—

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. WADLEIGH. I wish to explain my vote.

The PRESIDING OFFICER. Debate is not in order during the call of the roll.

The roll-call being concluded, the result was announced—yeas 19, nays 29; as follows:

YEAS—Messrs. Allison, Boutwell, Buckingham, Carpenter, Chandler, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Howe, Ingalls, Jones, Pratt, Sargent, Scott, Stewart, Washburn, and Wright—19.

NAYS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Hamlin, Harvey, Kelly, McCroery, Merriam, Mitchell, Norwood, Pease, Ransom, Robertson, Saulsbury, Spencer, Stevenson, Stockton, Thurman, Tipton, and Wadleigh—29.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Ferry of Connecticut, Hamilton of Maryland, Hitchcock, Johnston, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Ramsey, Schurz, Sherman, Sprague, West, and Windom—25.

So the motion was not agreed to.

Mr. STEVENSON. Now, to obviate the objection suggested by the Senator from Vermont, so as to avoid all conclusions of fact, I move in line 4, after the word "consequence," to add the words "as he alleges."

Mr. HOWE. Mr. President, I voted to postpone the further consideration of this bill. I shall vote against the passage of the bill. It does seem to me that the Senator from Kentucky on a little con-



sideration would agree that whether Wilson ought to be paid for these mules or not, we ought never to pass this bill. Why do we send this man to the Court of Claims? Is there a question of fact on this record to be tried anywhere? Is there anything but the plainest question of law to be settled? It seems to me not. The bill recites that this man Wilson agreed with the quartermaster to sell him on behalf of the Government some mules, and to deliver them to him in the city of Washington; that he did not deliver them to him because he could not pass through the picket lines when he was on his way to deliver them. Therefore he did not deliver the mules. Now you propose to send that contract to a court of law to adjudicate. I cannot assume to know that court of law would not say that when Wilson was stopped out here at Bladensburg by a picket line he was in Washington and tendered his mules to Rucker. I can only say if the court did so I would vote to impeach every one of the judges if they were presented here for trial. It seems to me that every lawyer must say that that is not delivery.

I was absolutely astonished at a proposition of law submitted here just now by the Senator from Ohio. If I understood him correctly, he affirmed this broad proposition: that if a man promised to deliver to another at a given time and place anything, and brought it to his house and found the doors locked, although rightfully locked, he might leave the property in the street, and that was a good performance of the promise. If he means to say just that, it amounts to this: that if you promise to pay a sum of money on a given day and go to the place at nine or ten o'clock and find the doors locked, you may lay the money down on the door-step, and you have tendered the money and canceled your contract!

I do not know but that there may be equitable considerations which should call upon Congress to pay for these mules. There may be legal considerations, in spite of what I say to the contrary; but if there are legal considerations, know it to-day; there is the whole record before you. Why ask the advice of the Court of Claims? If upon this statement Wilson ought to have pay for his mules, pay him, not dodge, not send the question to any other tribunal. The Court of Claims I should think would be apt to inquire of you why you did not pay him yourself. There is no question that you want to have settled; there is no dispute as to the facts of the record as presented. There may be other considerations in the case that are not suggested.

Mr. President, there may be equitable considerations which call upon the Government to pay for these mules. Those considerations do not arise from the fact that the contractor was on his way to Washington and was stopped because there was a picket line extended between him and Washington. That picket line was rightfully there. If he tried to communicate with the Government through that picket line, if the officer of the guard received notice that he was there, a contractor with property which he had undertaken to deliver in Washington, and the officer would not send that communication, which he could have done within thirty minutes, if he made his best endeavors to communicate that fact to the Government, it may be that we should take that into consideration and make good to him the loss; but the Court of Claims ought not to do it. That is a court of law. That court can only give judgment when the contract is not only proved but the performance is proved, and there is no pretense that there was a performance of the contract in this case.

I was struck with the fact appearing in the report of the committee, the statement that although this man alleges that he was stopped by the picket line, it does not appear that he made any attempt to communicate with the Government until the next day, when he took the cars and rode into Washington.

Mr. DAVIS. The Senator will allow me to say that the proofs are he did make the best effort he could, and was stopped at three different points by the pickets, and then one of the three parties at the picket line got into Washington the following morning, but could not reach the commanding officer.

Mr. HOWE. The report is different.

Mr. DAVIS. I made the report, and I think I am stating the facts.

Mr. HOWE. I just read the report, and I think the Senator is mistaken about it, or I am. I understand the report to say that there were two parties in charge of the mules; Mr. Wilson was not one of them; so that I understand the report to say that he tried to get in that day, but it does not say what efforts he made, but that he did come in the next day, and came in by the railway on a regular train. The report does not explain why he could not have come in on the first day.

Mr. DAVIS. The report does not state all the details, but as I understand the case the facts are that the mules were in two lots, the first lot in charge of two men, and the other man made three attempts at different points to get into Washington, but could not get in; and finally he got upon the cars and came in.

Mr. HOWE. My friend is mistaken. The first lot was delivered; the next lot of one hundred and seventy or one hundred and ninety was not.

Mr. DAVIS. My friend can hardly say that I was mistaken because the two lots came to the picket lines; the one hundred and seventy mules came through in two lots separated from each other. They were not all together when they came to the picket lines.

Mr. HOWE. The report is right here in the hands of my friend from New Hampshire, [Mr. WADLEIGH.]

Mr. DAVIS. I am not mistaken about that.

Mr. HOWE. The Senator may not be mistaken about the fact, but he is mistaken about the report, because it is right here in the hands of the Senator from New Hampshire, and he corroborates what I say.

Mr. DAVIS. What the report says I may not recollect, because it does not contain all the details; but the facts are as I state and as the papers bear out.

Mr. HOWE. I am not disputing the fact; I do not know how the fact is; I am speaking of the report. The report says that the one hundred and seventy mules were in charge of two servants of the contractor, Wilson; that he could not come in because of the picket line. The report does not say that he applied to the officer in charge of the picket line at all; but the second day, it says, one of the men in charge of the mules came into Washington on a regular train, got the order to bring in the mules, and went out and then the mules were taken.

This, however, has nothing to do with the question whether we are to refer this case to the Court of Claims. I am opposed to referring it to the Court of Claims, because there is no case stated here upon which a court of law could honestly give judgment, and I would not invite them to give a dishonest judgment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. WADLEIGH. It seems from the report made by the committee in this case that this claimant was a loyal man; that he made with the Government a contract to deliver here in this city a certain number of mules; that he delivered a part of those mules here according to his contract and was proceeding to deliver the rest according to the contract, and got near to this city and to a point from which he might have reached the city and could beyond any doubt have reached the city and delivered the mules according to the contract, but he was stopped by the agents of the Government who were acting under the orders of the Secretary of War, and acting rightfully. But by those orders and by the action of the Government itself he was prevented from carrying out his contract, and there was nothing in the world to prevent him from carrying out his contract except the order of the Government of the United States. Under these circumstances I should be in favor of paying this man a just and equitable compensation.

My friend the Senator from Wisconsin has said that he did not deliver the mules according to his contract. That is perfectly true; the mules were not delivered in Washington; but he offered to deliver the mules in Washington and the Government refused to accept them; and they should pay damages for the non-acceptance of the mules according to the contract, he having done everything in his power to perform the contract, being prevented from performing it only by the act of the Government itself. My friend from Pennsylvania [Mr. SCOTT] shakes his head as if I was wrong; and knowing him as I do, I am almost inclined to believe I am; but I must be guided by my own convictions of right and duty, and guided by those convictions of right and duty I am ready to vote for this bill as amended on the motion of the Senator from Kentucky.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Alcorn, Boggs, Boreman, Clayton, Cooper, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Harvey, Hitchcock, Kelly, McCreery, Merriam, Mitchell, Morton, Norwood, Patterson, Ramsey, Ransom, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Wadleigh—29.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Howe, Ingalls, Pratt, Scott, Washburn, and Wright—16.

ABSENT—Messrs. Bayard, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Dorsey, Ferry of Connecticut, Hamilton of Maryland, Hamlin, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Robertson, Sargent, Schurz, Sherman, Spencer, Stewart, Tipton, West and Windom—28.

So the bill was ordered to a third reading. It was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, agreed to further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. TYNER of Indiana, Mr. J. G. CANNON of Illinois, and Mr. S. S. MARSHALL of Illinois, managers at the second conference on its part.

The message further announced that the House had passed the bill (S. No. 930) to authorize the Farmers' National Bank of Greensburg, Pennsylvania, to change its location and name, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. No. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut for transporting the mails over post-route No. 8151;

A bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

A bill (S. No. 552) to refund to E. & J. Koch certain customs duties;

A bill (S. No. 875) for the relief of Thomas Hughes; and

A bill (S. No. 849) to prevent hazing at the Naval Academy.

#### REPORTS OF COMMITTEES.

Mr. CARPENTER, (Mr. WRIGHT in the chair,) from the Committee to Audit and Control the Contingent Expenses of the Senate, who were by a resolution of the Senate of January 26, 1874, instructed to inquire into the expediency of excluding all articles from the stationery-room except paper, pens, pencils, ink, envelopes, and macilage, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee to whom was referred a resolution offered by Senator WEST directing the Secretary of the Senate to pay John Ray and William L. McMillen each full compensation as Senator for the unexpired term for which they were elected, as shown by their respective credentials, until the 4th of March, 1873, submitted a report thereon, which was ordered to be printed; and accompanied by the following resolution:

*Resolved*, That the actual expenses necessarily incurred by John Ray and William L. McMillen, claimants to a seat in the Senate from the State of Louisiana in the Forty-second Congress, in presenting their respective claims to a seat in the Senate, be paid out of the contingent fund of the Senate, which expenses shall be presented, itemized, and verified by the oaths of said Ray and McMillen, respectively, and the amounts shall be audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CARPENTER also, from the same committee, to whom was referred the motion of Mr. HAMLIN that hereafter no order or requisition for stationery for the use of the reporters' gallery of the Senate shall be issued by the Presiding Officer of the Senate, which reference was accompanied with instructions to the committee to report to the Senate when the practice of furnishing stationery to the reporters' gallery began, the cost of stationery furnished, and whether such practice should not be discontinued, submitted a report thereon; which was ordered to be printed, accompanied by the following order, the adoption of which is recommended by the committee:

*Ordered*, That the Select Committee on the Revision of the Rules direct the supply of such articles of stationery as they may deem expedient to those entitled to admission into the reporters' gallery, and that their orders therefor be filled by the keeper of stationery.

Mr. CARPENTER. I am directed by the Committee on the Judiciary, who were by a resolution of the Senate of May 8, 1874, instructed to inquire whether section 3 of the "act to establish a police court for the District of Columbia, and for other purposes," approved June 17, 1870, in so far as it denies a trial by jury, be constitutional, to ask to be discharged from the further consideration of the resolution. A bill was reported on this subject the other day, and this resolution should have been returned at that time, but was overlooked by mistake.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The committee will be discharged if there be no objection.

#### GENEVA AWARD.

Mr. FRELINGHUYSEN. The conference report on the Geneva award bill was partially read when the Senate took a recess. I ask that the reading proceed.

The Chief Clerk resumed and concluded the reading of the report, as follows:

The committee on conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, having met, and after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendment to the bill of the Senate and agree to the same with the following modification, namely: Strike out section 5 and insert as section 5 a new section in the words following:

"Sec. 5. That the President may designate a counselor at law, admitted to practice in the Supreme Court of the United States, to appear as counsel on behalf of the United States, and represent the interests of the Government in said suit, and in all claims filed for indemnity for losses, as provided by this act, subject to the supervision and control of the Attorney-General. Such counsel shall receive for his services and expenses such reasonable allowance in each claim as may be approved by the court, to be apportioned in each claim adjudicated, and paid from said award upon the certificate of one of the judges."

Strike out, commencing on line 11, section 11, "and all claims provable or to be allowed under this act shall be stated and adjudged upon the basis of United States gold coin at the time of the loss" and insert instead "all claims."

Strike out in section 14, commencing on line 4, the words "shall retain in the Treasury 5 per cent. of the amount of the judgments rendered by the said court," and on the eighth line of same section strike out "95 per cent. of." Commencing on the twenty-second line of the same section strike out the words "deducting nevertheless from each of the said judgments and retaining in the Treasury 5 per cent. of the amount of the said judgments respectively."

On second line of the fifteenth section strike out the words "in coin."

On the twenty-seventh line of the same section strike out the words "the same shall be carried to the general fund of the Treasury," and insert instead "the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

After the sixteenth section insert the two following sections, to wit:

"Sec. 17. In ascertaining the amount of such losses, the memorials, affidavits, depositions, and any other papers in the several cases of losses claimed respectively, now filed in the State Department, or official copies thereof, may be read in evidence: *Provided*, That no affidavit shall be read except where it appears to the satisfaction of the tribunal that the affiant cannot be produced before it as a witness or his testimony taken by commission upon interrogatories; and in the hearing of the cause any party claiming shall produce all books, papers, letters, and documents that may be called for by a general description thereof by any opposing party, or satisfactorily account for their loss or non-production, or suffer such judgment as is prescribed in section 15 of the act entitled "An act to establish the judicial courts of the United States," approved September 29, 1789; and on the hearing of the cause any competent evidence may be produced by either party, either *ex parte* or by deposition taken upon interrogatories; and for this purpose depositions may be taken by either party *de bene*, or the court may admit affidavits where it is satisfactorily shown that the witness cannot be produced or his examination by interrogatories and cross-examination cannot be had."

"Sec. 18. That in case any judgment is rendered by said court for indemnity for any loss or claim hereinbefore mentioned against the United States at the time of the giving of the judgment, the court shall, upon motion of the attorney or counsel for the claimant, allow out of the amount thereby awarded such reasonable counsel and attorney fees to the counsel and attorney employed by the claimant or claimants respectively as the court shall determine is just and reasonable, as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as part of the judgment in such case, and shall be made specifically payable as a part of said judgment for indemnification to the attorney or counsel, or both, to whom the same shall be adjudged; and a warrant shall issue from the Treasury in favor of the person to whom such allowance shall be made respectively, which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered about any claim or part or parcel thereof provided for in this bill heretofore or hereafter made or done before such judgment is awarded and the warrant issued therefor, shall be absolutely null and void and of none effect."

And the Senate agree to the same.

F. T. FRELINGHUYSEN,  
GEO. G. WRIGHT,  
*Managers on the part of the Senate.*  
BENJ. F. BUTLER,  
WM. P. FRYE,  
*Managers on the part of the House.*

Mr. THURMAN. I wish to know the status of this report. I was not in when the reading commenced, and I was told upon my return by half a dozen Senators or more that no vote was taken upon proceeding to the consideration of the report and that the question was will the Senate proceed to its consideration, and that thereupon a call was made for the reading of the report for information.

The PRESIDING OFFICER, (Mr. WRIGHT.) The Chair understands the question to be on agreeing to the report of the committee of conference. The report is now before the Senate.

Mr. THURMAN. It is very indifferent to me how it is; but I was told by divers Senators that the motion was made and never put whether the Senate would proceed to the consideration of the report.

The PRESIDING OFFICER. The report is before the Senate.

Mr. THURMAN. The Senator from New Jersey who makes the report is entitled to state what it is to the Senate, if he desires to do so.

Mr. FRELINGHUYSEN. Mr. President—

Mr. CLAYTON. I wish to ask the Senator from New Jersey, without displacing the regular order, to allow me to call up a resolution from the Committee on Territories.

Mr. FRELINGHUYSEN. If it does not take time.

The PRESIDING OFFICER. The resolution of the Senator from Arkansas will be read.

Mr. CLAYTON. It was a resolution reported the other day from the Committee on Territories to authorize the committee to sit during the recess.

Mr. BOUTWELL. I object to the resolution.

The PRESIDING OFFICER. The Senator from Massachusetts objects, and the resolution cannot be considered now.

Mr. FRELINGHUYSEN. The committee of conference had many interviews in reference to this bill. The result was that the House of Representatives receded from its amendments and adopted the Senate bill with some modifications. Passing by formalities, the shape of the report and of the bill which will be formed on this report now, is this: that those are paid out of this fund who every Senator here and every member of the House of Representatives unanimously agree are entitled to be paid; and that is all. There ought to be no doubt or question as to the propriety of adopting this report when the report provides that those shall be paid who every Senator and every Congressman has voted should be paid.

Mr. MORTON. Will the Senator name the class?

Mr. FRELINGHUYSEN. The class to be paid are those who have suffered losses by the Alabama, the Florida, the Shenandoah after she left Melbourne, and their tenders, those whose claims were allowed by the Geneva arbitration. That includes those insurers who have suffered loss. But the report is much more liberal toward other classes than the Senate bill. The Senate bill provided that after those were paid the remainder of the fund should be covered into the Treasury. The report expressly provides that it shall remain a fund subject to such claims as Congress may authorize against it. Therefore all that we do is to pay those that everybody agrees are entitled to be paid, leaving the question as to war premiums, as to insurance companies, as to those who suffered loss by means of other confederate cruisers, to be determined hereafter. It seems to me that it would be a great act of injustice, it would be a great act of dishonesty for this nation, after two or three years, to withhold payment from those who every member of Congress of both Houses agrees are entitled to be paid.

The House of Representatives further concede to the Senate the right to have this question determined by a commission, instead of going through the courts. So that we have substantially the Senate bill modified in that it leaves the question open for further claimants. Of course we had to concede something, and there is a certain machinery as to the attorneys and counselors and the compensation which they are to receive. In that regard we adopted the House bill;



but that subject is always open and under the control of Congress. That provision, which was introduced here in the Senate against the will of the committee, that the claimants should settle their accounts in gold, has been stricken out and the whole subject is left open to the adjudication and determination of the tribunal. I hope that this bill will at once receive the approval of the Senate.

Mr. THURMAN. Mr. President, I know how difficult it is to defeat the report of a conference committee, no matter how unjust and erroneous that report may be. The very worst legislation that passes Congress passes in the shape of the adoption of the reports of conference committees. They pass at the last hours of the session when it is almost impossible to get the ear of anybody; and I do not know now that I shall be listened to on this subject by one-third of the Senators whose votes will ultimately determine the fate of this bill. But, sir, I am serious in this matter, and I hope that some at least will listen to the objections I have to this report.

The Senator from New Jersey says that it would be an act of great dishonesty not to pay those who every member of Congress agrees are entitled to be paid. I say so too; I said so a year ago when we sought then to get the managers on the part of the House to agree to precisely a bill of that character; and if this bill was that which it has been described to be, a bill to pay those who every member of Congress agrees are entitled to be paid and remit the claims of others to the consideration of Congress at a future day, then it would receive my support if another error in the bill were corrected. But is it that bill? I am very glad to hear the Senator from New Jersey say that that is the bill; I was very glad to hear the Senator from Vermont this afternoon say that was the bill; and I hope that their interpretation placed on the bill will not be forgotten in the future. But I do say that if even ambiguous words were used to be brought up in the future to defeat that very interpretation, this bill contains those words. If that was the object of this bill, why in Heaven's name was it not placed in clear and honest language? It could have been put in ten lines, that all the uninsured property destroyed by the cruisers for whose acts Great Britain was held to be responsible, should be paid out of this fund—that is all that was necessary—and that the claims on the residue of the fund should be remitted to Congress to determine in future. That would have been all simple, all plain. There could have been no question at all about it.

But what is the language of the bill? So far from that being the case, the managers take the twelfth section of the Senate bill, containing among other things this provision:

And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

This conference bill then provides for the adjudication and payment of all the uninsured property which everybody agrees ought to be paid for. It then goes further and provides that insurance companies may be paid, if upon an exhibit of their business they have sustained loss, the excess of their loss above their profits. It expressly, therefore, provides for insurance companies, but limits the amount of their payment to the excess of their losses over and above their profits. It contains that very provision in the bill which upon the fullest vote that was taken in the Senate was voted out of the bill in the Senate by 8 majority.

Mr. EDMUNDS. Will the Senator allow me to suggest to him—

Mr. THURMAN. I would rather not be broken in upon right here in the midst of a sentence. I will listen to the Senator with pleasure after a while.

Now, sir, every member of Congress did not admit the right of insurance companies even to that amount of payment, for there are votes for excluding them entirely; but this bill provides, as I said before, for the payment of the uninsured property destroyed by the guilty cruisers; and by "guilty cruisers" I mean those whom the tribunal at Geneva held to be guilty. It provides for the payment of uninsured property, which every member of Congress and everybody else admits are valid claims and ought to be paid; and then it goes on to provide that the insurance companies may be paid their losses over and above the gains upon their business, the excess of loss—not paid the amount of their claims, not paid for the property which they had insured and which had become theirs by virtue of subrogation and assignment, but simply shall be paid, provided upon an exhibit of a balance-sheet by them it shall appear that their losses exceeded the amount of their gains, and then they shall be paid only the excess.

Having provided, Mr. President, for payment to these insurance companies who sustained loss on their whole business the amount of the loss, provided that amount does not exceed the amount of the policy, what further does this bill provide in respect to the remainder of the fund? Why, sir, it provides that after having paid for the uninsured property, and after having paid the insurance companies the excess of their losses over and above their gains growing out of the fund, then "if there shall remain any part of the said money"—now comes the conference committee's language—"the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon." What is meant by "other claims thereon?" What will it be said to mean next winter? It will be said

to mean claims other than claims of insurance companies; it will be said to mean that the claims of insurance companies are provided for in this bill and limited to a certain recovery, and that the other claims which may come in upon the remainder of this fund are the claims other than those of the insurance companies. That is the meaning of this language, or at least that is what will be claimed to be its meaning when this matter comes up next winter if the bill should pass.

Mr. EDMUNDS. I should like to ask a question. I will not now put the question I desired to put when the Senator declined to yield, because he has gone beyond that part of the subject. On this part he says it will be claimed next winter that the words he has read will be construed to mean other claims than those of the insurance companies. Does the Senator think that is the true and fair meaning of the language as it reads? Or is it the fair and true meaning, as it reads, that claims other than those allowed or adjudicated upon by the tribunal are open for the further adjudication of Congress, and inasmuch as we only authorize the adjudication of a certain class of insurance claims and not those in respect of which the companies made a profit, is not the fair meaning, let me ask the Senator, that there will be open for consideration next winter the claims of insurance companies to the full extent that they have demanded, except so far as we have already provided for them by the cases which we have allowed?

Mr. THURMAN. What is far more important to those who I think are entitled to justice in this case, is that I should know what the Senator from Vermont thinks of this bill.

Mr. EDMUNDS. Does the Senator decline to answer the question I put to him?

Mr. THURMAN. No, sir; but I would prefer greatly to have the Senator's answer first.

Mr. EDMUNDS. I think I will have the Senator's answer first, because I put the question first, and then I will answer him when it is my turn.

Mr. THURMAN. I will only say that if I had to decide it I should put upon those words this construction; that "other claims" would include the claims of insurance companies to that which they had not received under this bill but which they claim they are entitled to receive.

Mr. EDMUNDS. Then the Senator thinks they would be entitled under this act to come in for a further claim.

Mr. THURMAN. I say if I had the decision, that would be my decision.

Mr. EDMUNDS. And if the Senator had the decision he would decide according to his honest judgment?

Mr. THURMAN. Certainly I should.

Mr. EDMUNDS. I should decide in exactly the same way, and that answers the Senator's question.

Mr. THURMAN. I am glad to hear the Senator say so.

Mr. EDMUNDS. I have no doubt of it at all.

Mr. FRELINGHUYSEN. Will my friend permit me?

Mr. THURMAN. Certainly. I should like to have as many as possible.

Mr. FRELINGHUYSEN. I may further say, I should decide that question exactly as the Senator from Ohio and the Senator from Vermont have stated that they would decide it, and I would strengthen my decision by referring to the context to which I call the attention of the Senator from Ohio:

And after the payment of the said judgments and the reimbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress shall hereafter authorize the payment of any other claims thereon.

"Any other claims" means other claims than those which have been paid, and clearly includes the war premiums, the insurance companies, the losses by other confederate cruisers, if Congress think that either of those classes is a proper claim.

Mr. THURMAN. Well, Mr. President, I must say that I am rejoiced to hear that interpretation put upon it by these managers; and I hope it will not be forgotten next winter should this bill become a law; but I venture to say that if we live to see this subject up again before us, there will be men, not the Senator from New Jersey, not the Senator from Vermont, but there will be men to put directly the opposite interpretation upon these words.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. I do not mean to interrupt the Senator in his remarks unless he is entirely satisfied.

Mr. THURMAN. It is no disturbance.

Mr. EDMUNDS. I should like to ask the Senator, supposing his interpretation upon this point, and mine and that of my friend from New Jersey, to be the correct interpretation, as we all agree it is, what is the objection to agreeing to this report because in that point of view it seems to provide merely for the time being for those who both parties agree ought to be paid anyhow?

Mr. THURMAN. Because the Senator from New Jersey, the Senator from Vermont, and the Senator from Ohio do not constitute the whole Senate of the United States and much less the Congress of the United States, and I have seen enough on this subject to make me doubt exceedingly—and I say it without disrespect to anybody—whether those who have to settle this great question will always settle it according to the sound dictates of justice and common sense. I am too much afraid of outside pressure and outside influence. I am

not speaking at all of any corrupt influence, I never impute any such thing, but of that pressure that bears on members of Congress and makes them see things in a light that without any such pressure would never in the world be seen by them.

Mr. EDMUNDS. May I ask the Senator what he means by "outside pressure?" Does he mean the pressure that is well understood to have been made by the insurance companies during all this session?

Mr. THURMAN. I do not know of any such pressure.

Mr. EDMUNDS. I do.

Mr. THURMAN. If the Senator does, then the Senator has more knowledge than I have. I spoke of that pressure which unaccountably arrays people of a particular section where particular losers are against anybody else but those losers. That is the kind of pressure that I meant, which influences the member of Congress, who has war-premium men in his district and has no other claimants, to go for the war-premium men whether they have a right to any of this money or not, and which in the same way make the representatives of those whose property was not taken by either of the guilty cruisers in favor of bringing them all in within this award although their claims were expressly rejected by the tribunal at Geneva, and I know very well that those men are not likely to be governed by what is said by three Senators on this floor as to the meaning of this report, for they will say that those Senators might speak for themselves, but they had no right to speak for the Senate of the United States. That will be it. "Who authorized any three Senators to speak for the whole Senate of the United States?" will be the question which these men will put when this subject shall come up again next winter.

I say, further, on this subject that it may be argued, and argued with great plausibility, that four such men as have signed this conference report if they had meant simply that the uninsured property should be paid for would have said so in so many plain words, and it would not have taken ten lines to say it, and that when they have gone all around the bush with three long sections to express that idea, they must have meant something more than that the uninsured property which was lost by the depredation of the guilty cruisers should be paid for, and which every man agrees ought to be done.

I say, then, this report ought to be recommitted, if for no other purpose, to be put in good, plain, honest English, without any ambiguity. We cannot amend it in the Senate. If we could amend it, we could make it plain so as to convey exactly the idea which is said to be its meaning by the Senators from Vermont and New Jersey. But we cannot amend it, and it ought to be sent back that those gentlemen who are quite masters of the English language might employ plain, simple, unambiguous words to express the idea which they mean to convey.

But, Mr. President, there is another reason why this conference report ought not to be adopted, and it is this: The Senate, after careful deliberation and no little discussion, on the motion of my colleague inserted this clause in the bill:

And all claims provable or to be allowed under this act, shall be stated and adjudged upon the basis of United States gold coin at the time of the loss.

These words are stricken out by the conference committee. What is the meaning of striking those words out? As long as those words were in there was a perfect standard by which to try the measure of the losses of these claimants, and no one could obtain any advantage over another. There was a perfect, unvarying standard by which their claims could be tried and adjusted. Now, what is the effect of striking these words out? The effect of striking them out is simply this, and I beg your attention to it: These valuations are to be made as at the time of the losses, according to the affidavits that have been filed in the Department of State. The loss is valued in greenbacks. The consequence is if A had a ship worth \$5,000, and B had another ship worth precisely the same amount of money, and A's ship was lost when gold was 280 and B's ship was lost when gold was only 140, the claim of the one who lost his ship when gold was 280 is exactly twice the amount of his fellow-citizen's who lost exactly the same amount of property in value at a time when gold was 140. That is precisely it. And now the proposition is that men shall have that advantage, that you shall have no uniform standard. Must you not have a uniform standard? How are you to find out what is the amount so that justice may be done relatively between these two parties, so that no man may get any advantage over another by false or erroneous valuations? You must come to some standard. Do greenbacks furnish you that standard? When greenbacks were shifting in value from day to day from 5 to 10 and 20 per cent. when gold went up from 40 per cent. to 280, or greenbacks, in other words, ran down to only thirty-two or thirty-three cents on the dollar, do greenbacks furnish any such standard? Everybody sees at once they do not. The only way in which you can get a proper standard so that each man's loss should be relatively correct with regard to every other man's loss, is to take the gold standard and reduce the loss when stated in greenbacks to the gold standard, and thereby make the same standard for each and every one of these losers. Striking out this clause and giving greenbacks therefor does the grossest injustice to the man whose property was lost when greenbacks were at a less disproportion than they were at the time when another man's property was lost.

But, sir, there is still another objection to that. In addition to the gross inequality that will result from striking out these words, there

is this further injustice, and I might say dishonesty. We received this award in gold; it was paid to us in gold; and having received it in gold we ought to pay the losers in the same medium. There is no propriety in our receiving it in gold and then paying them in a depreciated currency. These valuations were made, assumed to be made at least, on a gold basis, for the award was to pay it in gold, and it cannot be presumed that the estimate was made by the Geneva tribunal on a paper basis, and that then the amount upon that paper basis was ordered to be paid in gold. It must therefore be assumed, and such is undoubtedly the fact, that the estimate upon which that tribunal went was that the amount of \$15,500,000 represented in gold our losses and the interest upon those losses allowed by that tribunal.

Mr. EDMUNDS. Does the Senator say, if I do not trouble him by asking him a question—if I do I certainly do not wish to interfere—does the Senator mean to say that he believes the Geneva tribunal reduced the American claims to a gold basis at the various dates when the destructions took place?

Mr. THURMAN. I say they did as near as they were able to do it, in my belief. I cannot suppose they were guilty of the absolute nonsense of taking those claims upon a paper basis that was fluctuating every day, and ordering Great Britain to pay them in gold. I cannot believe any such thing. We do not know precisely the process by which they did arrive at it; but we do know something of the process. We know that the British counsel argued, and the British Board of Trade argued, that most probably the claims were stated in greenbacks and ought to be reduced to gold. That we know because it is in the report; but when it was provided in the treaty and when the award of the Geneva tribunal was that the payment was to be in gold of the amount found due by them, it must be held that they understood that the damages were that much in gold. It cannot be upon any other principle. They could not have awarded it upon any other principle. They did not mean to award damages that never were sustained. They meant to award the damages that were sustained, and the damages that were sustained were so many millions in gold. That is the award which they made, and now we propose to take that gold, and instead of paying that to the sufferers, to pay them in a currency that is depreciated 12 or 13 per cent. That is what we propose to do.

Mr. FRELINGHUYSEN. If my friend will permit me, I do not think there is anything in this report—if there is I am not aware of it—that decides how the payment shall be made. The bill as passed by the Senate and the report together amount to this: that we appoint a competent court, consisting of five members, who are to decide the several cases that come before them in conformity with the principles of law and the merits of the several cases, without determining one way or the other whether the calculation is to be made in greenbacks or in gold; and I do believe, with all respect to my friend, that a competent court of five judges will come to as just a determination with calm deliberation as we shall in these expiring hours of a weary session.

Mr. THURMAN. Mr. President, I would think so too if it did not happen—I wish I had a greenback in my pocket—

Mr. FRELINGHUYSEN. I have got one which I will lend the Senator.

Mr. EDMUNDS. I supposed the last act we passed would have filled your pockets before this time.

Mr. THURMAN. I did not understand the Senator.

Mr. EDMUNDS. I supposed the grand finance act would have filled the Senator's pockets with greenbacks before this time.

Mr. THURMAN. I was against inflation.

Mr. EDMUNDS. I supposed you would have your share after you got it.

Mr. THURMAN. I have got a one-dollar note. I am very much afraid if this matter is left as this conference committee reports it, when the claimant comes for his money the Secretary of the Treasury or the Secretary of State will pull out a greenback and read to him these words:

This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt.

Mr. FRELINGHUYSEN. If they should do so the only result would be that there would be more of the fund left for the war premiums, the insurance companies, and those who suffered by the general losses from the cruisers.

Mr. THURMAN. That is all very true; and if greenbacks were only worth twenty-five cents on the dollar and you paid them in greenbacks there would be more left yet, and we might divide it among the people *per capita* and produce a little inflation in that way. The plain matter of it cannot be misunderstood. What would you say of a lawyer that would receive a thousand dollars in gold for his client and instead of paying him the thousand dollars which he had recovered for him should say, "I will give you my promissory note, worth eighty-five cents on the dollar, and I will take 15 per cent. profit and shave on this transaction?" You would say that was a dishonest lawyer. You would put him over the bar very quick, any honest court would, and yet that for which you would debar an attorney it is proposed this great Government shall do; that it having received this award in gold for those who have suffered by the depredations of those cruisers, shall then pay them in its depreciated notes worth not more than eighty-five cents on the dollar and take the remaining 15 per cent. and give it to somebody who was not entitled to it under



the award. If that is honesty I cannot see it. If there is anything that is consistent with justice, with the honor, with the character of this great Government in such a proceeding as that, I confess I am totally unable to see it. That which would make a private man infamous cannot be consistent with the justice and the honor of a great nation.

These are the two principal objections that I have to this conference report. There are some others, but they are of minor importance. There is one that I will allude to, wherein I think it is entirely wrong; and that is that this court of ours are to fix the compensation that attorneys are to receive from the claimants, and that the amount of the compensation thus fixed by the court is to be paid out of the Treasury of the United States out of this award, that is, out of the judgment in favor of the particular client. I always supposed that it was the safest way to let clients and their attorneys make their own bargains, that it was safest for the client and safest for the attorney; but this bill proposes to disable clients from making any such contract, and declares that all such contracts heretofore made, and all that shall hereafter be made, shall be null and void, and that the court shall determine what shall be the compensation of the lawyer, and that the compensation the court shall decree to be taken out of the amount awarded to his client; in other words, disabling those two men from making any contract whatever in regard to the compensation of the attorney. It may possibly be that practically that will work for the benefit of some of these claimants. In some cases, I dare say, it will protect them against dishonest attorneys; but considering what kind of a tribunal it is that this bill contemplates, considering that it is to be a tribunal of five distinguished lawyers, well paid for their services, and before whom the meaner sort of the profession are not likely to appear, it does seem to me that for one case in which a man may be protected by this provision against the exorbitant charges of an attorney, there may be ten cases in which the amount awarded by the court to the lawyer will be exorbitant and excessive; for in a long experience at the bar I have found it to be almost always the case that allowances of lawyers' fees by the courts were far in excess of the amounts that lawyers receive from their clients by contract. That is the general rule, and I think that is a bad feature in this bill; but if the bill were right in other respects—if the bill were not of that ambiguous character that I have pointed out in regard to claims that are reserved for adjudication hereafter, or for the action of Congress hereafter, and if the bill were right in respect to the standard by which the losses are to be tried—I might forego any objection to this minor matter of the allowance of counsel fees by order of the court.

I have only a few more words to say. I have already occupied as much of the time of the Senate as I care to do, but I will mention what I ought to have said when I was considering this question of striking out the provision that the claims should be stated and adjudged upon the basis of gold coin at the time of the loss. One might suppose from the remarks of the Senator from New Jersey that the court would exactly adopt that standard; but can it be supposed, after those words were inserted upon a full debate, if Congress afterward strikes them from the bill, that any court will feel at liberty to administer the act as if those words were retained in it, the very words which Congress has stricken out? I fear not; and therefore I say that those words ought to remain in the bill, and this conference report with those words stricken out ought not to be agreed to.

I shall not to-night attempt to reargue the question about the exclusion of the insurance companies. I know that, unless my mind shall undergo a change, which I do not think it is likely to undergo, I never can vote for any bill that does that great injustice as I believe; and I do say now, and say it in all solemnity, that in my humble judgment there never was so deleterious an example set by any government in the world as is set by the provision in this bill that insurance companies shall recover upon their claims if they have not made profit, but shall not recover if they have made profit. Stripped of its verbiage, stripped of its disguise, tearing away the sophistry from it, it amounts simply to this, that the Congress of the United States says to the people of the United States, a man shall recover upon his claim not according to the validity of his claim, but according to the length or the brevity of his purse. If he is already rich enough, no matter how legal and valid his claim may be, the court shall turn him away from its doors and say, "You have enough already;" but if he has been unfortunate in business, or improvident in business, or in rash and unprincipled speculations, or has taken hazards that no prudent or honest man ought to take, and he has lost in his business, then upon a claim of precisely the same nature the court shall hold out its hands, welcome him to the portals of justice, give judgment in his favor, and execution to enforce the judgment. Talk about communism; talk about red republicanism; there never has been any greater communism than that which is written in this bill which says that a man shall recover, not upon the validity of his claim, not upon the law which applies to it, but shall recover according to whether he has been successful or unsuccessful in business.

Mr. EDMUNDS. I do not want to occupy the time of the Senate in discussing the ethical question with which the Senator from Ohio has concluded his very entertaining speech. As a peroration, I certainly admire it, because it goes into the regions of fancy and eloquence in such a way as to gild, as the setting sun does the atmosphere, this

conference report which usually is rather a dry thing you know. So I do not propose to begin by that kind of illumination or to leave off by it. It is enough to say that that question is now before the Senate.

The conference report has provided merely to pay all those that both Houses agree ought to be paid, and at this time has not provided to pay anybody else, because the two Houses cannot agree as to paying anybody else. What the use, therefore, is of going into a quantity of midnight eloquence over the subject of those unhappy insurance companies who divided 20 per cent. in coin every year, as I understand, I am not able to appreciate, unless it might be to prejudice the minds of people against the justice of paying those who ought to be paid now, as all agree, and to break down this report, which is of course the end of the bill for this session. That is the question.

I only want to take a few minutes. The Senator is afraid that the term "other claims," which are to be provided for at a future session of Congress if Congress think fit, will exclude the claims of the insurance companies, because they do under this bill file a claim within the jurisdiction of the court. Mr. President, how extraordinary that is! Here we create a court and give it a jurisdiction to try one kind of insurance claims, and that is where the insurance has met a loss. We do not authorize the court to try any insurance claim either way, to reject it or affirm it, where the insurance company made a profit. Those cases are left out altogether.

Then we say that having paid the ship-owner who was not insured, having paid the losses of insurance companies who did not make a gain, having paid the owners of merchandise not insured, and the officers and the sailors, the rest of this money shall be subject to the future disposition of Congress in providing for other claims that may be presented. Now, can anybody doubt that an insurance company is entitled to present its other claim and get it if Congress in its judgment shall think it is entitled to it? The Senator himself—and that ought to be enough for the Senate on this question of justice to these poor men, sailors and officers, who have waited now for three years—the Senator himself says that this report as it reads does not exclude the future consideration of these insurance claims. He does not express himself any doubt about it, on the face of it, and he knows that the other gentlemen of the conference committee and the other members of the Committee on the Judiciary agree with him entirely. He knows if he has read the debate—and I have a right to refer to it on a conference report—that the House of Representatives agreed to this upon the same understanding precisely. Therefore, did I not know the Senator from Ohio, I should imagine that he was resorting to a parliamentary expedient to break down this report altogether and send these empty-handed men who have never been redressed in any way over to some future Congress, because forsooth some other claim that he wanted in did not get in because it was under dispute. But of course I respect the honorable Senator from Ohio too much to believe that he means that; but he acts in exactly the way he would act if he did mean it. So much for that.

Let no man, therefore, vote against this report who wishes to pay the uninsured ship-owner, as the Senator wishes to do and as I wish to do, and the sailor and the officer and the uninsured merchantman, upon the idea that he is afraid that the construction of this bill will prevent the stock insurance companies from appealing to Congress hereafter. He says himself it will not. We have all stated that it will not. Any intelligent person who can read it will see that it will not. The House of Representatives has agreed to it on the ground that it will not, and upon the simple ground that we will do the justice to the uninsured people that we ought to have done last year and leave disputed questions to be considered next time. And as my friend from Wisconsin [Mr. CARPENTER] very properly suggests, if the bill said in terms that it should bind them it would not have the slightest effect. It is the right of every citizen to petition Congress at every session and to get this law reversed if it stood so; but I need not argue that. The Senator from Ohio himself says it does not say so. All of us say it does not say so. The House of Representatives, according to the debate, say it does not say so. Wherefore, then, are you pressed to reject this report, which carries everything over to the next session, upon any such ground? I know the Senator from Ohio does not mean it; but if he were so much in love with these insurance claims that he would ruin all until he could get them, he would pursue precisely the course that he does now. But, as I say, I know he does not mean that. He is overexcited on the subject.

Now let us go a little further. The next trouble is the gold payment. The Senator says the Geneva tribunal made this award in gold. So they did make it in gold. He says they stated the account on a gold basis, reducing all claims to gold, as he supposes. I ask him for the evidence of it. The only evidence he can furnish is the argument of the British counsel, who said that our claims were exaggerated because they suspected that they were stated in currency, and therefore that they were altogether too high. If they were stated in the currency of this country, where they had to build their ships and pay for them in currency and where they bought their merchandise and paid for it in currency to send to foreign countries, where they fitted out their whalers and paid for their supplies in currency, there would be some sense in providing for the payment in such a way that they might be made good. But what is the practical use in saying that these claims shall be stated in gold or shall be stated in currency? If you leave the matter to the tribunal without command either way, as this bill does, that they shall hear and determine these

claims according to their justice, without undertaking to say that they shall be stated in currency or in coin, leaving them a free and wholesome jurisdiction, what are they to do? They are to find out what the real and honest loss of the man was according to the circumstances of his case, and then they can provide either that he shall have an allowance in currency large enough to make it good to him in gold, or that he can have an allowance in gold if they choose so to render the judgment, for the Supreme Court of the United States has decided that it is open for any court in which a party is entitled to have his claim considered as one to be paid in gold to render a judgment for the specific payment. The Senator well understands that. Therefore the leaving out of these words is not a decision adverse to the views of the Senator from Ohio who proposed that clause, [Mr. SHERMAN;] it is not a decision adverse to the view of the Senator from Ohio who now opposes it in his observations, [Mr. THURMAN.] It only refuses to cramp a jurisdiction by laying down in advance a rule the application of which we cannot precisely see, to guide the tribunal; and now, as the bill is left with that struck out, we give the tribunal plenary jurisdiction without undertaking to control its exercise either way, except we say that they shall be guided by the principles of justice and truth. Can anybody complain of such a jurisdiction? I think not, Mr. President; and it is very far from being clear that laying down an iron rule providing for the payment in coin and the statement of the account in coin would resolve itself into an advantage for the claimant who was honest or to the benefit of the Treasury, because it would drive the tribunal to enter into almost every month of the state of the coin premium during the whole war and the value of the ship and cargo—a ship built at one time, fitted out at another, its cargo bought at another. All that would enter into the thing, and the consequence would be that you involve the ship-owners in a constant series of inquiries where they may be overreached by parties who may choose to overreach them, or where the commission may do injustice to a party who does not try to overreach them. Now, if you leave their jurisdiction free as you leave the jurisdiction of every other court free, as you leave the Court of Claims free, to decide according to the law as it is now and to do justice, then the court is enabled to do justice according to the case that is made to it. Why do we not decide, on the Senator's principle, that the Court of Claims for all losses that occurred during the rebellion, contracts unperformed, property taken and used, shall settle with the claimant on a coin basis, have it reduced to that in order that his claim upon us may not be exaggerated or may not be made too small? Because everybody sees that really it is entirely an immaterial question. If you decide these cases upon the basis of currency now and pay them on that basis, you have a uniform standard; and if a man bought or sold on an inflated currency in 1863 so that he really did not lose as much as he appeared to do, then all you have to do is to mitigate his claim accordingly; and if that is the law in the Court of Claims, the law in all the courts of the United States acting between parties, why should it not be the law in a claim against the United States?

On the other hand, suppose the law ought to be that as we got coin we ought to pay coin, then I repeat what I said before that this bill allows the tribunal, it having complete jurisdiction over this subject, to render a judgment payable in coin if it thinks justice requires it to render such a judgment, because over the subject that is committed to it it has just as broad a jurisdiction as has any court over a subject committed to it, and we all know, as the Senator from Ohio does himself, that it is the settled law of this country now that any court in rendering judgment on a claim may declare, if in its judgment the contract or law requiring it, that it shall be paid in coin. That being the case there is no foundation for rejecting this report on the ground that we have not tied up the court in respect to how the account shall be stated, whether in coin or currency. That clause was struck out, not because the conferees of the Senate wished to disobey the vote of the Senate, but because the House would not submit to insert it; and we were endeavoring to reach the point that the Senator with me so strenuously strove for a year ago, and that was to do the very thing this bill now contains. Then the Senator agreed with me that we ought to make everything bend, as we did make everything bend, in offering to the House of Representatives to provide for these uninsured claimants, ship-owners, and sailors, and officers. A year ago when we did that neither the bill of the Senate nor the bill of the House contained anything on the subject of gold statement. Nobody thought that injustice was being perpetrated then; and I very much doubt, if we had not had a screed for a fortnight on the subject of gold, whether it would have entered into anybody's head to make such a proposition. It was a sudden thought that came into the mind of the Senator from Ohio who sits nearest to me, [Mr. SHERMAN,] and who had had his head pretty full of gold and currency questions for the last few weeks before. Nobody ever thought before that there was any necessity for this proposition. It had a certain plausibility. It was agreed to by the Senate, but the House would not agree to it; and now the Senate recedes from that and leaves the tribunal, as we proposed a year ago, with a complete jurisdiction to do the very thing the Senator from Ohio wishes to have done if it thinks complete justice and equity require it.

Where, then, would be the justification for this body to postpone the payment of the claims that all parties on all sides, excepting a very small number in another place that I have no right to refer to on that

point—that all just men I think of all parties agree that it is a shame we did not pay a year ago, on this hair-splitting about what possible construction somebody can put on the bill against the judgment of my friend and all other Senators here on the question of other claims and on dialectics upon the subject of how the account ought to be stated, when we leave it to the tribunal to state it as it thinks according to justice and equity it ought to be stated?

Why, Mr. President, it appears to me that we should occupy an attitude that would not give us much pride to turn over to the world tomorrow morning the statement that we had refused to pay the uninsured ship-owner now that we had the opportunity; that we had refused to pay the poor sailor and the poor officer and the uninsured merchandise-man who have been waiting so long upon the ground that we thought some dishonest or misguided man a year hence might pretend that this law meant something which we say it does not mean or it was possible that this tribunal might not state an account in a way to do justice between all parties when they had the power to do it. I should say,

O, shame! where is thy blush?

Mr. President, there is no foundation for this opposition to this report if Senators are really in earnest in saying that they are willing to give relief to those to whom we ought to give it as they agree, without undertaking to defeat them, because we have not provided for somebody else now, whom Senators believe ought to be provided for. But then the Senator from Ohio says that there is provision about the compensation for attorneys. The Senator well understands the reason why that was put in, I have no doubt. That is to guard the large number of officers and sailors of these vessels and small interests in ships, small interests in merchandise, from the greed of attorneys, who take contingent fees and really swallow up the whole of a man's property in pretending to get it for him, whereas in all those cases where there is no dispute about the facts as we know, it is unnecessary that an attorney should have any fee at all or more than a small one. The party's evidence is in the hands of the State Department now; it is laid before the tribunal by this bill; and if the necessity for an attorney exists at all, it will be where the compensation ought to be almost nominal, because there is very little to do. It was to protect this class of our citizens, as we do now in all the pension cases and as we have for years by the universal acquiescence of both Houses of Congress, against the greed and extortion of that class of attorneys who are constantly preying upon the community, taking contingent fees and exaggerating the difficulties of getting through claims against the Government when there is no need of their services at all. I should have supposed that that would have commended itself to my friend, and so far I think from his remarks it did, but he thought that in large cases of large ship-owners they might be entitled to pay their attorneys what they choose. That might do if they were all of that class; but you cannot make one law for one and another for another. So on the whole I think that is a very wise and proper provision.

I am sorry, Mr. President, that I have taken up so much time as I have, because the gentlemen who have charge of this report are much more competent than I to discuss it.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities;

A bill (S. No. 252) to remove the disabilities of John Julius Guthrie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York; and

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

The message also announced that the House had passed a bill (H. R. No. 3778) changing name and location of Pittsfield National Bank, Pittsfield, New Hampshire, to Second National Bank of Manchester, Hillsborough County, in said State; in which it requested the concurrence of the Senate.

#### EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the concurrent resolution of the House for the printing of twenty thousand copies of the report of the Commissioner of Education.

The amendment of the Senate was to strike out all after the word "resolved" and insert:

That there be printed five thousand copies of the report of the Commissioner of Education for 1873; of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

Mr. ANTHONY. I suggested when this matter was first presented to the Senate that it was so late that a conference committee was hardly necessary, that it might be better to take the judgment of the Senate upon the direct issue between the two Houses. The House of Representatives are very anxious to print a large number of this document. The Senate has not been in favor of printing so many.



The Senate proposed to print five thousand, twenty-five hundred for the use of the commissioners and twenty-five hundred for sale at cost and 10 per cent. added. The House wish to print twenty thousand for the Senate, the House, and the commissioners. I move, to take the sense of the Senate, that the Senate recede from its amendment, which will leave the order stand for printing twenty thousand. I understand that the post-office appropriation bill makes provision for sending these documents through the mails at a reasonable price.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate recede from its amendment.

Mr. SHERMAN. I must object to the consideration of this matter until the Senator from Maine [Mr. MORRILL] is present, who is now engaged in committee of conference on the sundry civil appropriation bill I am told. As soon as the post-office appropriation bill is settled there will be no difficulty in passing on this question.

Mr. ANTHONY. Is there not another concurrent resolution on the table from the House?

The PRESIDENT *pro tempore*. Does the Senator wish to have this resolution laid aside?

Mr. ANTHONY. Yes, sir.

#### VIENNA EXPOSITION REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

*Resolved by the House of Representatives, (the Senate concurring.)* That of the reports of the United States commissioners to the Vienna exposition there shall be printed, under the direction of the Secretary of State, four thousand copies for the House, two thousand copies for the Senate, and one thousand copies for the Secretary of State.

Mr. ANTHONY. These reports, if they are at all like the reports of the Paris exposition, are very valuable and should be printed. The reports of the Paris exposition are among the most valuable documents we have printed since I have been connected with that department of the public service, and I think they have paid back to the Government many times the cost of our representation at the exposition. I move that the Senate concur in the resolution.

The motion was agreed to.

#### CHANGE OF LOCATION OF A BANK.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

The amendment was at the end of section 2 to add the following proviso:

*Provided*, That all expenses incident to the proposed change, including engraving, shall be borne and paid by said bank.

Mr. SCOTT. I move that the Senate concur in that amendment. The motion was agreed to.

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 3774) for the relief of the widow and children of General William Gates, United States Army, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3778) changing name and location of Pittsfield National Bank, Pittsfield, New Hampshire, to Second National Bank of Manchester, Hillsborough County, in said State, was read twice by its title, and referred to the Committee on Finance.

#### GENEVA AWARD.

The Senate resumed the consideration of the report of the committee of conference on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

Mr. THURMAN. Mr. President, the answer of the Senator from Vermont [Mr. EDMUNDS] to the objection I have taken to this report because it strikes out the words "that the claims shall be stated on a gold basis, and paid in gold," is, I submit, no answer at all. It certainly is no answer to that to say that last winter when this bill was before this body no one had noticed the injustice that would result from the want of such a provision as that. I confess that it did not occur to me; it did not occur to the Senator from Vermont; it was not mentioned in the debate, long and earnest as that debate was; no one thought of it, but the moment my colleague suggested it at this session and moved his amendment it struck everybody almost as being not only a proper amendment, but as being a necessity, in order to do justice between the different claimants. Hence it was carried and carried I think by a very large majority of this body, and it ought never to have been abandoned. It is no answer at all to say that the necessity for that was not discovered beforehand. Why, sir, bills have sometimes passed this body—and we can recollect some notable instances too—in which the effect of the bill was directly the opposite to that which was intended by its promoter, and nobody ever yet thought that it was a subject of censure or a matter of logical argument to say, "You did not object at the time," when the truth was that the person spoken to did not discover the defect in the bill.

Now, one thing is perfectly certain: if you would do justice between these different claimants you must have one uniform standard by

which to measure their losses. Nothing can be clearer than that. You must have a uniform standard. The Senator from Vermont says that the court may do justice according to the equity of each case. The court cannot do justice according to the equity of each case unless it does in every case value the property by the same standard. It is a simple impossibility. You might as well say that it could do justice by having a different yard-stick or a different ton-weight for each measurement of each particular vessel that was lost or destroyed. You must have one standard to which all claims are to be referred, or relatively between the different claimants some men will be paid too much and others will not get their share. Now, what standard can you have? In the very nature of things it is impossible that you can have any other standard than gold. You cannot have greenbacks as the standard. They were fluctuating during the time these depredations took place from 5 to 10 per cent. a day, and ran down until ultimately gold was 280 and greenbacks therefore were worth only thirty-two or three cents on the dollar. That was the state at the time that some of these losses occurred.

Now, says the Senator from Vermont, contracts were made payable in greenbacks, and the courts enforce them, and the judgments are paid in greenbacks now, years afterward. That is not an analogous case to this. These vessels were lost on the high seas. They were lost far off. They were lost where greenbacks were not then used. It is not like the case of an injury or a contract happening here upon land, where payment of the damages is made every day. It is a case where the loss takes place at a distance, not a subject of a contract at all, but the subject of damages which have been paid to us.

That being the case, what are we to do? Are we not to do equity between these people relatively? Are we not to award to each one of them such an amount for his loss as will do him no injustice and do no injustice to anybody else? Are we to adopt a standard which will enable one man to get twice as much as another, when the property lost by each was of precisely the same value? That is what must inevitably result if you do not adopt some uniform standard; and, as I said before, there can be no uniform standard but that of gold.

This matter was overlooked before. It is not so much a question about mere payment in gold now, but it is for the other reason which I spoke of before; it is because you cannot do justice between these different claimants unless you measure their claims by the same yard-stick, unless you try their losses by the same standard, and you cannot do that unless you value them in gold.

Again, I do say, and the argument is perfectly irresistible and it has not been answered at all, that the Geneva tribunal must have computed these losses in gold, must have considered that it did so. It never intended to compute them in a currency worth but seventy-five or fifty cents in the dollar at the time the losses occurred, and then make Great Britain pay for them in gold. It was guilty of no such absurdity as that. The treaty provided for payment in gold, and the award being in gold, it is utterly impossible that those sensible and able men should ever have computed them in any other medium than gold. Then, as they allowed interest, they must have gone on the hypothesis that these losses at the time they occurred were represented by such an amount in gold. Upon no other hypothesis can their award be explained. It would be perfectly absurd to say that they awarded in gold unless they estimated the losses in gold. Then, the tribunal having gone upon that ground, it necessarily follows that we should go upon the same ground in the distribution of this money, that we should find out by the unvarying standard what was the amount of each man's loss at the time that loss occurred. That is necessary in order to do justice between the different claimants.

But, sir, in respect to the other view which I presented of this subject, the Senator from Vermont has not vouchsafed any answer at all. I put it once more to the Senate, is it honest in us to receive payment in gold and then put off these men with a currency worth but eighty-five cents on the dollar? Is that honest? The Senator talks about these poor sailors and the like. I have as much sympathy for them as he has; but I am not very much accustomed to make professions of sympathy. Is it honest to them, when the amount of their losses has been paid for by Great Britain in gold, that we shall take fifteen cents out of every dollar of the amount to which they are entitled? For that is the result of this bill if you pass it. It will not do to say that the commission here may award the money in gold. They will not dare do it if Congress strikes out these words, for it will be said at once that, these words being stricken out by Congress, it is the deliberate judgment of Congress that these damages must not be paid in gold.

Mr. EDMUNDS. That is not a fair argument.

Mr. THURMAN. Again, the Senator from Vermont treats my objection to this section in regard to insurance companies and the words "other claims" as if it was a mere hair-splitting, and he was pleased almost to insinuate that my motives could not have been exactly right in opposing the conference report. I am glad to see that he shakes his head; but one thing I will say—

Mr. EDMUNDS. I shook my head on that point when the Senator was speaking; but I told him before that I knew the reverse was true, that the Senator could not have such a motive.

Mr. THURMAN. I am very sorry to say, although I would rather it was that, that the Senator has paid a very poor compliment to my understanding, (and I would rather he should underrate that than un-

derrate my morality,) because he said that if I had been engaged in parliamentary tactics to defeat an honest measure, I would have pursued precisely the same course that I have, or words to that effect. Well, Mr. President, he says now that I have very honest motives, and yet I am pursuing exactly the course that a dishonest man would to defeat a bill by parliamentary tactics. That is very much the same as saying that the Senator from Ohio is little better than a fool. I cannot agree to either one or the other. I know that I am not a judge in my own case; but really I will not give a *cognovit* to confess judgment that I am a fit subject for a lunatic asylum, and I certainly will not that I am a fit subject for the penitentiary.

I do not know that I wish to say anything more on this subject. I have no feeling in this matter in the world and can have none other than that what I believe to be the law of my land and the honor of my country shall be obeyed and preserved.

Mr. WRIGHT. Mr. President, as a member of the committee of conference, having agreed to this report, I desire the attention of the Senate for a very few minutes.

Three objections are made to the report as I understand. After stating the first and second, the Senator from Ohio concludes what he has to say in the way of objections to the report by a third point that I will refer to first. The third point is that by the terms of this report the commission or court is to determine what compensation shall be allowed counsel for prosecuting these claims; and so it turns out that after two years of effort to settle this question and pay to honest men, men who are entitled to it, this money, we are to defeat this report because of this third point. It was a question with the committee in the Senate as in the House, a question before the Senate as before the House, whether it were better to leave all these claimants to the contracts and agreements that might be made between them and counsel with reference to the numberless cases that may be brought before this tribunal, or whether it were better that the power should be given to the commission to settle and determine the compensation to counsel in each case. In view of the numberless small cases of claims in favor of seamen and small demands of different natures that might arise, it was finally determined that the better way was to leave this question to the court and let the court in each individual case settle what should be the compensation. In this way fair justice will be done to claimants and unquestionable fair justice to counsel.

The second point mentioned is that we have omitted from this bill the provision inserted by the Senate that the judgment should have reference to the amount of the loss in gold coin at the time of the loss; and it is said that good faith on the part of the Government, that that honor which we should observe as a Government and we here as representatives of the Government, demands that having received gold we should pay gold. I submit that there is nothing in this bill which prevents the tribunal from taking everything of this kind into consideration and squaring its judgment accordingly. I submit that it would be most anomalous if in providing for the erection of a tribunal to determine with reference to any claims against the Government or between individuals or the payment of any demand, we should provide that the judgment should be in gold. The judgment is that of the law. The tribunal when it has determined what shall be allowed takes into consideration all the circumstances at the time the loss occurred and squares its judgment accordingly and renders its award accordingly; and when it comes to render its award, will any person tell me what line there is in this report that prevents the tribunal from taking into consideration what was the value of the loss of the person at the time it occurred? The language is that the tribunal is to decide according to law on the merits of each case. I say it is a most unheard-of thing in legislation to provide by law that the judgment shall be paid in coin.

You say that this is a strict trust; that we took the money as gold and should pay it out as gold. I say that I do not recognize it as a strict trust; but whether it be so or not, the money is there; we received gold; the tribunal determines under all the circumstances what each man shall receive considering what gold was at the time and considering what is right now and the interest that is to be allowed.

But one point remains, and that is that this report does not go far enough, or it is ambiguous in its terms. This is to me most extraordinary and amazing. This Government received this money; the award was made two years ago. At the last session of Congress both Houses passed a bill on this subject. It was referred to a committee of conference and they were unable to agree, and thus it occurred that claimants who were entitled to from three to five or seven million dollars of this award were delayed in the receipt of what every person acknowledged ought to have been paid to them at that time. The matter passed over; and now we are in the expiring hours of this session, after more than a year has expired from the time the former committee was unable to agree. Every member of both Houses of Congress I understand agrees that with reference to certain losses there ought to be payment. We do not agree as to whether there ought to be payment beyond these. The Senator from Ohio and every member of the Judiciary Committee agreed that with reference to certain losses there ought to be payment. Now when we had agreed as to certain losses which ought to be paid, one question was whether the door should be closed and no others paid. Another question was whether we should pay those we all agreed ought to be paid and as to all other claims leave the matter open to subsequent legis-

lation. By the bill that passed the Senate it was provided that what remained after paying these claims which we all agreed should be paid should be covered into the Treasury. Now it is provided that the claims which we all agree shall be paid being provided for, then the fund shall be still left open for other claims. Now, we all agree that with reference to other claims there is no conclusion, there is nothing settled. Every member of the conference committee and every member of the Judiciary Committee agrees in this; and the question that is now submitted to the Senate is this: Every man knows that good faith demands that we should pay these men; every member of the Senate and House knows that honesty demands that we should pay these men; every person knows that they have been delayed already too long in the payment of this debt; and now the Senate is to determine at this time in the session whether we will provide for the payment of honest debts that we all agree upon and leave the question open for subsequent legislation in reference to claims that can then be presented and be provided for by subsequent legislation. I say it will be a disgrace to the American Congress, it is a disgrace to the American name when we have agreed with reference to these honest men who ought to be paid, when there is no question but that they ought to be paid, if we adjourn this Congress and leave the question open because we cannot agree with reference to other claims and when there is nothing in the bill with reference to such other claims.

I therefore appeal to the Senate, in view of the good name of the nation, in view of the length of time that has elapsed since we received this money, in view of what is just and fair to honest men who have been kept out of their claims, not to hesitate in the discharge of our duty because we cannot agree in regard to some other matters that are unimportant as compared to the rights of the men who come here and have been begging us to discharge the trust that honestly devolves upon us and I insist has been delayed too long. Now, if we adjourn, it is delayed another year, and again it will be a reproach to the nation as it has been since we had this money in our hands.

Mr. MORTON. Mr. President, it occurs to me that so far as the question of the assessment of damages, whether in gold or greenbacks, as made by the Senator from Ohio is concerned, it is not important. I do not think that there can be a fairer question to be left to be determined by this commission, after full argument and consideration, than the question as to how these damages shall be computed, whether in gold or in United States notes; and upon that point I see no difficulty. It is a question of law settled by general principles of law as to what shall be the principle upon which these damages shall be computed; and so far as that is concerned there is no objection to this report, in my judgment.

But this report is to me unsatisfactory in some other particulars. First, it is unsatisfactory because it settles but one question out of many, according to the construction given to it by the Senator from New Jersey, by the Senator from Vermont, and by the Senator from Ohio. It leaves many questions, and the most difficult questions of all, open for future difficulty and wrangling; and according to the construction they all agree in giving to this report it is an invitation to open all these questions next winter. The bill provides that the insurance companies shall not be paid except where their losses exceed their profits, taking their whole business into consideration during the war. If on the whole they have lost more than they have made, then they shall be paid for that loss over and above their profits. That is the express provision of the bill; and in the absence of the construction given it by the Senators, I should have said that the phrase here "other claims" does not include the insurance companies because the claim of the insurance companies is adjudicated upon; it is mentioned; it is defined; it is said what they shall have and what they shall not have. But there are claims that have been put forward, for instance war premiums and others which have been mentioned, which are not excluded by the terms of the bill, are not adjudicated upon, and I should say in my simplicity reading this report, if it had not been for the construction given it by the authors of it, that the words "other claims" do not include the insurance companies at all, and that this bill would be regarded as a settlement of the questions so far as the insurance companies are concerned. But as these Senators all agree that this phrase "other claims" does include the claim of the insurance companies that is adjudicated upon in the bill nothing is settled, and we shall have these claims back here by express invitation under this report next winter.

Mr. President, when we consider the limited character of the claims that are allowed under this bill we may fairly conclude that when all are paid that are authorized to be paid under this bill, not more than one-half of this fund will be exhausted. I doubt whether one-half of it will be exhausted.

Mr. THURMAN. Not near one-half.

Mr. MORTON. There will at least be one-half left for future struggle and contest in Congress, to which the insurance companies are also invited, and I now make the prediction that the insurance companies will yet get that money. My friend from Ohio need not have any uneasiness. They concur in giving this report a construction that the whole insurance question is left open. They are invited to come back and look after the balance of this fund. We know their strength; we know their pertinacity; and I now make the prediction here tonight—I may not live to see it realized—that the insurance companies



will yet get the balance of the fund. I should very much have preferred that this bill should have settled the whole question and that we should have been done with it; but it is so framed according to the construction given to it by its authors that it settles nothing and we are to have it all over session after session until this fund has been exhausted.

Mr. BAYARD. Mr. President, I do not desire to prolong this debate, but I cannot forbear to add my strong expressions of dissent to the report which has been submitted to the Senate.

Last October the government of Great Britain paid \$15,500,000 in gold, or its equivalent in bonds of the United States, into the Federal Treasury. In the first place, let me remark, it was paid in gold or its equivalent, paid in gold-bearing bonds of the United States worth gold at par and by the assent of the United States accepted as the equivalent of gold coin. There is a perfect simplicity in the transaction that shall direct the payment of the money over to those to whom it is justly due, precisely in the same coin and in the same description of money as we received it.

I was amazed that the Senator from Vermont should talk of the fluctuations in gold between the time when these losses by the deprivations of the southern cruisers occurred, and the present day. Sir, gold has not fluctuated. It was a standard then and is to-day; and as we received this money in gold, as the value of the losses sustained was estimated in gold, if we pay in gold there will not be the slightest difficulty upon the subject. If this method of distribution had but the one merit of simplicity, it would have enough to commend it to the Senate; but when you add to that that when you depart from the gold basis and take the basis of paper, you subject claimants to gross injustice, because the men who suffered in 1863 lost a very different amount as to paper money compared with those who lost in 1862 or 1864. Therefore I say that if the principle upon which I conceive this money was received by the Government of the United States and under which alone honestly and honorably it can be disbursed is to be considered and respected, we will pay these claimants, our own citizens, precisely in the same money that we received the amount for them in. By doing so all calculation will be rendered unnecessary and the simplicity will accord with the honor and justice of the transaction.

But, Mr. President, passing away from the question of how they shall be paid, whether in gold or in paper, let us consider what this fund was. Was it money paid into the Treasury of the United States as due to the nation? Was it due to the people of the United States as a people? All I can say is that if that proposition had been made Great Britain would have gone to war before she would have paid you one cent, and no man within the sound of my voice can doubt it. Your indirect claims, as they were termed, embraced the only claims of a national character; these claims were not of a national character, they were the claims of individual citizens for their individual losses incurred by reason of the infraction of the neutrality laws of Great Britain by certain persons under her jurisdiction. This is no national claim. It seems to me that when these propositions are stated, and when they are admitted, everything is ended in regard to a proper distribution of this fund. This money has no place in the national Treasury except as a resting place between it and the hand of the American citizen who is to receive it.

Sir, if any portion of this money, which is now denied to those insurance companies in whose name it has been claimed, shall remain after the satisfaction of their claims, it is the property of Great Britain and not of the United States, and self-respect and propriety will compel us to carry out the treaty stipulation and pay it back. I do not propose to reiterate the legal argument now. It has been made more ably than I can state it. It has not been answered or pretended to be answered by any gentleman to my hearing in the Senate that the rights of the man who insured another are quite equal in law to those of the man who insured himself. The United States presented both these classes of claims, and upon the basis of each the money was equally allowed. The contract of insurance is a legitimate contract; it is an honest contract; it is upheld by law; it is sustained by morals; it has every foundation in equity. Why, then, is it that in an act of this kind, for the first time in the history of our adjudications, we should propose to stamp the contract of insurance as unlawful, as unwarrantable, and compel men to submit to different terms in regard to payment of their subrogated claims than we impose upon others whose claims are made in their own right? It is a plain, simple fact that the American people can consider.

These vessels were destroyed. By an alteration and an amendment of the law Great Britain said that she would pay for them, and has paid for them. In some of the cases they were insured, in other cases they were not. You agreed to pay the owner in the one case and you refuse to pay the man who paid him for his losses under a contract of insurance in the other. This principle is entirely familiar in our courts; it is beyond contradiction or the possibility of contradiction, that a man who insures another upon a lawful voyage and then upon the occasion of loss has paid the other the amount of his insurance stands directly in his shoes with all the rights, legal and equitable, which his insured had at the time of the loss. There is no gainsaying these propositions; but here for the first time the attempt is made to stamp the contract of insurance as illegal, as impolitic, as not to be favored by law. Mr. President, the contract is directly the reverse. The contract of insurance is legal, and is in every respect

to be encouraged and to be protected by law. Such contracts ever have been protected by law; and if the Government of the United States, with the view of diverting or perverting this fund from the plain course which an execution of their trust would lead them to make it follow, they do this at the cost of the law as set forth by their own highest tribunals, and I fear they will do it at the cost of the respect of every respectable nation of the world. I would not desire to see my Government stand in that attitude. It never shall stand so with my consent. The proposition is too plain, too self-evident; it needs no elaboration to prove that this is an attempt to escape from principles of law well ascertained and which are now denied for the first time in the history of our legislation.

But, Mr. President, look at one thing else. Here is a round sum of \$15,500,000 in gold. It lies here for disbursement to its true owners, who are citizens of the United States. Whether they be the women and the men and the children who may own stock in our insurance companies, or whether they be merchants who own vessels themselves, or whether they be rich or poor, holding much or little of these claims, it matters not. It was our pride and our boast that all stood equal before the law, and here now it is proposed to change that equality, and for some reason, for which no just argument has yet been offered, we are to deny these men rights never heretofore denied. But here is a sum of \$15,500,000. The bill as originally introduced proposed that these claims should be passed upon, excluding the insurance companies who did not prove by bringing their books into court that they had lost more money than they had gained during the continuance of the war premiums. The bill provided further that after these judgments were ascertained by the commission appointed for that ascertainment, the Secretary of the Treasury should retain in the Treasury 5 per cent. of the amount of all these judgments, and then, further, that after all these judgments had been ascertained and the amount retained, the Secretary of the Treasury should distribute in ratable proportions among the parties in whose favor the judgments were rendered such moneys as had been so received into the Treasury, so that the distribution should be a ratable distribution.

See, now, the absurdity of the present bill. You propose to distribute part of the award, which is variously estimated at from five to seven and a half or ten millions, and you propose to make a ratable distribution under the law of all the judgments. Here you have a report that proposes to pay out say \$10,000,000, and to pay it in full. Now mark the sequel. You will have paid \$10,000,000, part of these claims, in full. Suppose hereafter, as justly it well may be, the claims now rejected by you shall be considered and approved by a future Congress, and the fund of \$15,000,000, reduced by your present bill to \$5,000,000, shall be insufficient to pay that award, then what becomes of your ratable proportion? You have paid the present claims in full; you will not have the fund to pay the remainder in full. Will you undertake, in the face of moneys paid to you in trust for a legal and equitable and just distribution *pro rata* among these claimants, to throw the diminution upon those whom you have now excluded when you have paid others in full? Why, sir, it is not only rank injustice, but it is absurdity for a trustee so to act.

What is the rule in regard to distribution of any trust fund? Take the ordinary case of an assignment in bankruptcy. Take the case of any other trust fund to be distributed. You must know what are the claims that are upon it. Let the Congress of the United States sit in equity as they should in this case; all the parties must come before you; their claims must all be known; the distribution must be according to your law, ratably made; and how can you pretend to make a ratable distribution when you start out by paying a portion of your claims in full? Is this the way to deal? Would a man be suffered to deal in this way with a fund if he were a private trustee? Certainly not. There is not a court of equity in the land but would arrest such a proceeding, and tell him that if he sought to distribute moneys in this way he must do it at his own risk. All the parties must be before the court; all the rights must be adjudicated upon before you can undertake to say what each shall be entitled to.

Therefore I say this report is a "most lame and impotent conclusion" after the care that has been given to this bill. It does propose to pay a part of these claims in full, and that very payment will deprive you of the power to pay other claims which may be hereafter adjudicated upon and the consideration of which you entirely postponed for some reason or other unknown to me. But, Mr. President, let them be paid in full or not, if it be the purpose of the Senate to change and pervert the character of the United States on which they have received this money, if they choose to strain the public faith by calling this a public fund, it may be done, but it will not be done without my vote being recorded against it, as now my remarks are uttered by way of protest.

It is perfectly clear to me that not one cent of this money, and no man who hears me can deny it, would ever have reached the Treasury of the United States if you had told the government of Great Britain that she paid it to you as a nation and as a people for your own use. Every Senator who hears me knows that every claim of a national nature was discarded by the arbitration, as it was denied by the government of Great Britain. We consented to abide by that arbitration; and, Senators, is it honest, is it honorable, for you and for me in this body to change the character of that fund, to declare that to be a fund paid for national purposes which was paid only for individual

nal purposes, to reimburse an enumerated, nominated class of people? They are there; their names are all before you; there is no difficulty in discovering them; you will find them all there, and the question is whether you now shall undertake to treat any of this money as otherwise than the property of your individual citizens, in whose name you asked it, for whose sake the public law of nations was altered by Great Britain in order to have it paid, and who never paid you one cent or one dollar as a national contribution to your national losses.

Mr. President, it cannot be. The amount of money is important to those who have lost it. I am anxious to see it reach their hands. I believe the claim of the insurer is just as honest in law and as sound in morals as the claim of the sailor, the merchant, or the owner of merchandise himself. All this is so, and I do not think we can without injustice to our own people exclude those who have saved others their money under the contract of insurance. But of one thing I am certain, that the money either belongs to the men in whose name we claim it, or it belongs to the nation who paid it to us. We can have no profit as a nation in this business. That was denied. The national claims were excluded. The Government of the United States signed the stipulation of submission to the arbitration that did exclude them. And now if this country shall by indirection make a profit from that fund, it will be at the cost of the honor of the Government of the United States, and that shall never be by my assistance, by my vote, and without my earnest protest, which I here make, against its being accomplished.

Mr. FRELINGHUYSEN. I rise to say a few words, and I will not detain the Senate from a vote for three minutes.

The complaint against this report is, originating with the Senator from Ohio and those who have believed that the insurers ought to be paid, that we have not made provision for paying the insurance companies, those who met with no loss. I have simply to say that the conference committee had no more power to provide for the payment of the insurance companies than they had to provide for the payment of the debt of Great Britain. This House had voted that they were not to be paid. The House of Representatives had voted that they were not to be paid. What possible power had a committee of conference of the two Houses to send you a report that they should be paid? It is the veriest absurdity in argument that I ever heard presented. We have done all we could do to protect the rights of the insurance companies for the future, if they have any. We have gone further than the bill passed by the Senate went, in providing that this fund shall remain subject to all claims that Congress may hereafter make against it; and it ill becomes the advocates of the insurance claims to complain against this report.

The Senator from Delaware says that we pay the claims here included in full and then provide for a *pro rata*. Did not the Senate of the United States agree to pay these in full? Have we made provision by this report for the payment of any others than the Senate voted should be paid and the House also? And if it is a "lame and impotent" report, to use the courteous language of the Senator from Delaware, that limping and that impotence was in the Senate of the United States, and not in the committee. We have paid those that the Senate said should be paid, and no others.

Then there is a complaint made about gold payment, that the Government of the United States is going to play some shabby trick. It makes no kind of difference whether the payment is made in gold or whether it is made in currency. The Government of the United States will pay all that is in the Treasury of this fund, whether it pay it in gold or in currency. And as to the idea that injustice will be done, inequality, as the Senator from Ohio says, paying one set of creditors in gold and another in currency, I say there is not a surrogate in Ohio, there is not an administrator in that vast State who would administer an estate paying according to a different rule; and I take it that the five judges that this bill provides for have sufficient intelligence, when they are directed to distribute this fund according to the principles of law and the merits of the case, to exercise the ordinary intelligence of administrators in the country.

One class of Senators object to this report because we exclude the insurance companies; that is the point of the Senator from Ohio and the Senator from Delaware; but the Senator from Indiana objects to the report because we do not exclude them. What we have done is to say that these honest men who every Senator and every member of the House agrees ought to be paid shall be paid, and that the fund shall be consecrated and sacred to such claims as Congress shall hereafter authorize against it, and I cannot see how any one can give a vote against that report without, according to my view, violating the principles of ordinary honesty.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The question is will the Senate agree to the report of the committee of conference.

Mr. BAYARD and Mr. THURMAN called for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. The Senator from Vermont [Mr. EDMUNDS] and myself are paired. If present he would vote "yea" and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 38, nays 17; as follows.

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Hamil-

ton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morton, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sprague, Stewart, Wadleigh, Washburn, West, Windom, and Wright—38.

NAYS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Fenton, Goldthwaite, Gordon, Hager, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Stevenson, Stockton, and Tipton—17.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Johnston, Lewis, McCreery, Morrill of Vermont, Oglesby, Sherman, Spencer, and Thurman—18.

So the report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON its Clerk, announced that the House had passed the bill (S. No. 436) for the relief of Lieutenant John Shelton.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company;

A bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be commodore;

A bill (H. R. No. 3506) for the relief of William Tod Helmut, of New York; and

A bill (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia.

#### TAX AND TARIFF BILL.

Mr. SHERMAN. The committee of conference on the disagreeing votes of the two Houses on the amendments to the tariff bill have agreed to a report, which I send to the Chair.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 36; and agree to the same.

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the words: "Provided also, That there shall be an allowance of 5 per cent., and no more, on all effervescing wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23," (the number of the section,) proposed to be inserted, insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24," (the number of the section,) proposed to be inserted, insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25," (the number of the section,) proposed to be inserted, insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned," the word "empty" be inserted.

JOHN SHERMAN.

JUSTIN S. MORRILL.

T. F. BAYARD.

Managers on the part of the Senate.

H. L. DAWES.

WM. D. KELLEY.

Managers on the part of the House.

The report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a resolution to extend the present session to 4 o'clock p. m. of Tuesday, the 23d day of June.

#### FINAL ADJOURNMENT.

Mr. SHERMAN. I hope that resolution will be laid before the Senate at once.

The President *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

*Resolved, (the Senate concurring.)* That the present session of the Forty-Third Congress be extended until 4 o'clock p. m. of Tuesday, the 23d day of June instant, at which hour the President of the Senate and the Speaker of the House of Representatives shall be authorized to close the same by adjourning their respective Houses without day.

Mr. SHERMAN. I move that the resolution be concurred in.

The motion was agreed to.

#### HOOR OF MEETING.

Mr. HAMLIN. By consent of the Senate, I hope I may be allowed to make a motion that when the Senate adjourns to-day it adjourn to meet at ten o'clock to-morrow morning.

The motion was agreed to.

#### RIVER AND HARBOR BILL.

Mr. CHANDLER submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the



repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 24, 29, and 45.  
That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28, 31, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, and 49; and agree to the same.

That the Senate recede from its amendment numbered 4, and substitute the following words: "For the improvement of the harbor at Erie, Pennsylvania, \$20,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert the word "fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment as follows: Strike out the words "according to the plans reported by the Government engineers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment as follows: After the words "two hundred thousand dollars" insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment as follows: After the word "and" insert "\$10,000 is hereby appropriated for the improvement of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 50 and agree to the same with an amendment, as follows: strike out the word "three" and insert "one" in lieu thereof; also strike out the word "fifty" and insert the word "twenty-five" in lieu thereof; and the Senate agree to the same.

Z. CHANDLER,  
WM. A. BUCKINGHAM,  
GEO. R. DENNIS,  
*Managers on the part of the Senate.*  
PHILETUS SAWYER,  
RICHARD C. PARSONS,  
ERASTUS WELLS,  
*Managers on the part of the House.*

Mr. DAVIS. I should like to ask the Senator from Michigan who has charge of this bill a question. What change, if any, is made in the surveys ordered by the bill?

Mr. CHANDLER. Not any.

Mr. DAVIS. It appears to me from the reading of the report that there is some change made in the surveys mentioned in the report of the Transportation Committee.

Mr. CHANDLER. No, sir. There was a change made in regard to a survey at a bar in Texas, which did not require a survey. Ten thousand dollars is appropriated to continue the improvement of Red Fish Bar instead of putting it in for a survey. The commission for the survey of the mouth of the Mississippi River is changed to three Army engineers, one officer of the Coast Survey, and one from civil life.

Mr. DAVIS. Do I understand from the Senator that no survey that was ordered in the original bill as passed by the Senate is disturbed?

Mr. CHANDLER. Not one.

Mr. WEST. The Senator from Michigan has replied to the question of the Senator from West Virginia to the effect that the only change that has been made in the surveys recommended by the Senate Committee on Transportation was a change of the organization of the board as recommended by that committee. Stated as it was—

Mr. CHANDLER. Will the Senator pardon me while I correct an error I made? The board is two Army engineers, two from the Coast Survey, and one a civilian.

Mr. WEST. Stated as it was, this looked like a very unimportant change, a change of the word "three" to "one;" and yet the result is to change entirely the conclusion at which the Senate Committee on Transportation unanimously arrived after devoting the whole session to the consideration of the subject intrusted to them, and more particularly the conclusion they came to as to what was advisable to do in connection with the proposed improvement at the mouth of the Mississippi River. It looks like a very trivial matter; but the consequence of it is that the labors of a committee of this body, composed of nine of your members, reporting unanimously on one subject have been neutralized in a moment by three members of a committee who have never paid any attention to the subject whatever. That is the result, and that is a result that I think the Committee on Transportation and I hope the Senate will not submit to.

We have had the perplexity of the obstruction of the mouth of the Mississippi River before Congress for years. We have had the Engineer Department of the Army scratching at it for thirty-five years, and we have had but eighteen feet of water at the utmost there for the last twelve months, and every attempt that has ever been made to induce the Corps of Engineers of the Army to listen to the recommendations made by the ablest civil engineers in the country has been resisted with an obduracy that is beyond belief. I state it here from my own knowledge that the Chief of Engineers has refused to allow any civil engineer to approach him who differed with him in opinion. I know it. I have made the attempt myself to get the Chief of Engineers to consult with engineers of equal ability in civil life.

The consequence is that if you adopt the report of this conference committee you confine again the consideration of this subject that has vexed and agitated the whole community of the West for years

to the same sources of information, to the same prejudices that have hitherto prevented the removal of these obstructions. I will only say that much. Other Senators who will follow me will call your attention to the desirability of invoking the aid of civilians throughout the country that something may be done to relieve the mouth of the Mississippi River from these obstructions. Pass this bill as it stands now; agree to this report; and again you will have an ineffective and imperfect report come before you here, similar to the last that has excited nothing but the ridicule of the Committee on Transportation. Take the report of the board of engineers on the question of opening the mouth of the Mississippi River, full of inconsistencies, full of improbabilities, contradictory in every respect, and we are called upon once more to go back to that board and submit to what? Submit to the locking up of your grain in the vast productive regions of the West just because this board is not willing to yield a moment to be enlightened by others quite equal to them. What has the Committee on Transportation done? It patiently and deliberately considered this subject the whole winter, disagreed with the House in the recommendation to pass the canal bill, consulted as to the best character of a board that could be organized, recommended it here to you unanimously as their conclusion; and a committee of conference who have paid no attention to the matter at all—speaking with all due deference to them in their ability to scrutinize this matter in the brief period that was allotted to them—come in here and wipe this board away and tell us we must go back again to the obstructionists who are a greater obstruction to the mouth of the Mississippi than all the mud and the bars there.

Sir, I hope the Senate will see the propriety of allowing this board to stand as the Committee on Transportation unanimously recommended it. I ask how should it stand? What was the recommendation of the committee? Two engineers of the Army and two members of the Coast Survey, bringing into the organization of that board a new element, an element concerned in the maritime approaches of an outlet to the Mississippi River, the consideration of which has never been attempted by any board of engineers. They have only thought whether it was practicable to open the mouth of the Mississippi that way, and they never asked whether it was practicable to get to the mouth of the Mississippi after you did open it. Two members of the Coast Survey were provided for, that with their experience of maritime movements they might understand how vessels could approach the mouth if it was open, and then three civilian engineers to be appointed by the President, so that we might call into requisition whatever engineering ability the country possessed outside of the Army.

I ask Senators are they willing to say that there is nobody in this country to judge of how obstructions ought to be removed from the mouth of the Mississippi River except the engineers of the Army? And if they come to that conclusion, it is inevitable we shall have thirty-five years more of scratching and obstruction. I cannot conceive it possible that this Senate will, on the recommendation of a committee of conference who have given two hours' consideration to this subject, set at naught the whole labors of the Committee on Transportation with reference to that particular subject. I do not think it ought to be done. Perhaps the gentlemen of the committee can give us some good reason why it should be done, but I do not think we ought to ostracize whatever ability the country may possess in the walks of civil life and confine those investigations entirely to the Army. I do not believe in it, because my experience is that the engineers of the Army have failed every time they have essayed to keep the mouth of that river open; and are we to be committed once more to their mercy, year after year?

Mr. BUCKINGHAM. If this question had been submitted to the Committee on Transportation you would undoubtedly have had a very different report, but it was not submitted to them. It is a question which was submitted to the members of this committee of conference and they have had it under consideration and given it such consideration as their time would permit. The committee of conference have not been willing to underrate the value of the engineers of the Army; and they have a high estimate of the ability of men engaged in the Coast Survey, and fully appreciate the importance of having both classes of engineers engaged in this survey. But I may say that the question in the committee was whether we should increase this commission from the Army, whether we should increase that part of the commission which is so objectionable to the Committee on Transportation, or whether we should make the report which the committee has submitted. It was a question of compromise with the committee as it now stands, and it seems to me it is a compromise which does not discredit the Army engineers or the engineers connected with the Coast Survey; nor does it set aside, as the Committee on Transportation would intimate, the talent of civil engineers.

There is another thing connected with it also. It was the judgment of the committee of conference that five members of this commission were abundantly able to make such investigations and surveys as were necessary between now and December next. It did not appear to be important to the committee of conference to whom this question was referred that we should have a larger number. These are the reasons why we have struck two from the number proposed of the civil engineers and left the two standing from the Army and two from the Coast Survey.

Mr. SCHURZ. Mr. President, I desire to address to the Senate a

few remarks on this question. At the last session of the Senate we appointed a committee to institute inquiries on a subject which of late has occupied the attention of the country in an unusual degree—the subject of cheap transportation. That committee after many months of assiduous and faithful labor submitted to us an elaborate, able, and very instructive report. One of the principal recommendations made in that report, indeed the recommendation urged above all things, was that the water-route be improved which runs through the very heart of the Republic and is easily accessible to far more than one-half of the surplus grain raised in this country; that is to say, that the course of the Mississippi be made practicable and safe for navigation, and that its mouth be deepened so as to admit large vessels. The opening of the mouth of the Mississippi has been a subject of interest to this country for more than a generation. Thirty-seven years ago the Engineer Department of the Army took the matter in hand, and for thirty-seven years they have been planning and reporting upon the matter, and scratching and scraping at the mouth of the Mississippi, and to-day the depth of water is no greater than it was then. In other words, they have effected nothing.

Mr. President, I do not hesitate to pronounce it one of the great scandals of American history that a water-route the equal of which can scarcely be found in any country of the earth should have been permitted to remain virtually closed to the great commerce of the world for the three-quarters of a century that that river has been under the exclusive control of this Republic. I think I am not speaking too strongly; I am indulging in no extravagant language when I say that such a fact is simply scandalous, and we ought not to indulge in any delusion about it. It is absolutely inexcusable. The population of the Mississippi Valley have long and quietly submitted to such a state of things. In the mean time they have grown in numbers; grown enormously in prosperity and productive power. The time is not far when the center of population will be in the Mississippi Valley, as it is already the center of agricultural production; and the people of that valley naturally look to the great river as the highway of their commerce, as the great outlet for their productive labor. Their desire is as natural as it is urgent that the mouth of that river should be made navigable for large vessels so as to be accessible to the great commerce of the world. Now they know, it is their sad experience, that all the efforts which so far have been made have been almost entirely unavailing. They have waited long and most patiently that the engineers of the Army would discover and show themselves able to carry out a plan which would make the great river what it ought to be, but they have waited in vain. At last, after mature consideration, such as our committee has devoted to this great subject, it is proposed to furnish new light to penetrate our councils. Having for thirty-seven years permitted the engineers of the Army to control this matter—with what success I have already indicated—they insist that the genius and skill of the civil engineers of America shall have an opportunity to compete with the Army in the solution of this great problem.

I desire Senators to remember the fact that this is probably the only civilized country on the face of the globe where such enterprises are left exclusively to military engineering. Even in those European monarchies which are so military in their character, governments would not think a moment of excluding the civil engineer from public works which are not absolutely of a military nature. On the contrary almost all—ay, I might say all—of such work is done by the civil engineer exclusively. Why should this Republic, then, rely upon the military alone? I invite you to look at the corps of civil engineers in this country. Have they achieved less than the civil engineers of the Army? Surely I do not want to disparage the latter; but who has tunneled our mountains; who has run our railroad tracks many thousands of feet above the level of the sea? Who has sunk the foundations of the great bridge at Saint Louis, one of the boldest and most magnificent structures in the world, ninety feet below the bottom of the river? It is the civil engineer who has done it. These are his triumphs, and such triumphs are among the most resplendent glories of the Republic.

And now, when we have so splendid a corps of men in this country, unsurpassed anywhere, are we to say that their inventive genius, their skill shall be excluded from the solution of one of the most important problems in that line that we have in our day before us? Are we sensible men? Have we entangled ourselves more inextricably in official red-tape than even the military monarchies of Europe? If it were so, should we not hide our heads in shame? And now, what is the question in issue? We come before the Congress of the United States with a proposition which certainly cannot be called unreasonable. We ask for a commission of engineers to examine the different methods of opening the mouth of the Mississippi which have been proposed; we ask that the military engineers who have occupied themselves so many years with this problem shall have two men on that commission to represent their views. We ask that another body, of Government officers of recognized skill, members of the Coast Survey, shall have two members; but then we insist that the civil engineers of America, more numerous and perhaps more experienced than either, men who have planned and achieved greater enterprises than either, shall have an opportunity to offer their genius and skill to the country, and have a representation worthy of them on this commission. Is that an unfair demand? Must we of the Mississippi Valley when we come before you and ask in this bill for nothing but this, be

told that there shall be nothing for us in respect to this great interest, but those old methods of which the experience of a generation has shown us that they are unavailing and fruitless? Are we to be told that all new light shall be excluded from our councils? Must our hopes in that direction be postponed once more? Are they to be postponed indefinitely? Why this? Is it, then, such an enormity we demand—three eminent men from the corps of civil engineers on this commission against four Government officers? Is there anything else we want to accomplish than what is absolutely necessary for the great agricultural and commercial interests of the country? Since the military engineers for thirty-seven years have shown us how not to do it, have we of the Mississippi Valley not a clear right to demand that at last the advice of professional men be taken who may be expected to show us how to do it? And that is what we do demand, a commission with three civil engineers upon it, to be selected by the President from the foremost ranks of the profession. And even that the conference committee attempt to deny us.

The Senator from Connecticut tells us that such a commission would be cumbersome. I wish it were larger than it is here proposed, for we desire to have the opinions of as many able men as possible. We do not expect them to agree all upon one plan; but we do expect them each one to give us the best he can give upon this subject according to the measure of his experience and ability. We want to hear all sides, and for that very reason we want to have all sides represented by the ablest exponents.

Now, what do the conference committee propose? To add not three, as we desire, but only one civil engineer to a commission of four Government officers. Thus the element which is most important to us is to be reduced to the smallest possible measure of representation and influence. One civil engineer, one stray sheep, lost and lonesome, against four Government officers. Why this? Why thus discourage the civil engineering element on so important a commission? Is there any reason for it? Is this perhaps another method how not to do it, how to prevent that which by all means ought to be done? Must we by all means have more such unavailable majority reports as we have had so far, and is this a well-considered plan to insure such a result? I tell you frankly that we want to have the civil engineering element in such strength on that commission that it can make its influence felt; and if we are to be denied that, we do not care to have any commission at all. Then we may, instead of a new report, just as well read over once more the stale productions of the board of engineers to which we have been accustomed and of which we are tired, for we want something done and accomplished.

We of the Mississippi Valley, and I represent a constituency that is as much interested in the success of this enterprise as that of any Senator on this floor—we of the Mississippi Valley demand energetic action at last, and to secure it we ask for a commission such as I have described; we demand that the Congress of the United States shall employ the best engineers that the country possesses, to open those channels of commerce which a bountiful nature has designed, and which are necessary for our prosperity. We are tired of dilly-dallying. We want serious work. Upon this we insist, and I think the people of the Mississippi Valley have a right thus to insist.

To that end I ask that this conference report be not agreed to, and that a new conference be ordered.

Mr. BUCKINGHAM. I judge from what the honorable Senator from Missouri says that it was the design of the Committee on Transportation to have the skill of civil engineers, and they are very much disposed that the majority of this commission, or at least a large number of them, are not to be civil engineers if this report be adopted. I understand them to take the ground that these surveys have been under the control of the engineers of the War Department for some thirty-seven years, and yet under the operation of the skill and the intelligence and the scientific ability of these men the water is no deeper now than it was then, and therefore they would discard the engineers connected with the War Department and have only civil engineers; and yet I understand also that they do present this idea, that there shall still be a share of men on this commission who are of that class who have failed to accomplish anything heretofore.

Now, Mr. President, I have some faith in the Engineer Corps of the Army of the United States. The report leaves two of those engineers upon this commission; it also brings in a new element from the Coast Survey and also from civil life, and that new element is the majority of the commission. And how will the members of this Transportation Committee, and who would discard all those who belong to the Engineer Department, and how can they, ask anything better than that there shall be outside of the Army a majority who can control them in their conclusions?

Mr. SCHURZ. The Senator from Connecticut is speaking persistently of a desire on our part to discard the Army officers. Nobody expects to discard them—nobody proposes it. The only thing that we want is to open the door widely to that engineering skill and genius which exists in this country outside of the Army. I have high respect for the Army officers, but I do not believe that all the engineering ability in America is buttoned up in blue and brass. I believe, nay I know, that the civil engineering skill in this country as well as in every other, has accomplished vastly more than that of the Army. I have pointed out some of their achievements. In every country on the face of the globe you will find this experience corroborated. Look at the Suez Canal which has so enormously shortened the way



to India; look at the Mount Cenis tunnel, at the mountain railroads in Switzerland, in Austria, in India.

But why multiply instances? They are as notorious as the air the world over. And where such works were undertaken, not by private corporations, but by governments, they have always been put into the hands of civil engineers, while the military engineers had the control of military works. This is the natural order of things. Why should the most civil, the least military government in the world so violently depart from it? Now I do not desire to question the ability of our military engineers in their peculiar branch. As military engineers they may be among the best in the world. I merely state a thing which as a historical fact cannot be denied, that for thirty-seven years they have been planning and working at the mouth of the Mississippi River, and have achieved nothing. Every one who is acquainted with our history knows this to be true. And finally they have submitted as their only plan and the sum of their wisdom a proposition which has been condemned by a unanimous vote of our Committee on Transportation.

The people of the Mississippi Valley have this thing at heart sincerely and earnestly.

I can understand how this subject may be more or less indifferent to the Senators from Connecticut and from Maryland, although they are surely men of patriotic impulses; but the matter does not come home to them as it comes home to us. The people who live in the Mississippi Valley see in the Mississippi the great highway which connects them with the sea and the commerce of the world. On that river they want to ship their crops. By the competition offered by that river they expect to escape from the extortions practiced upon them by grasping transportation monopolies. The opening of the mouth of that river is therefore to them a matter of tremendous interest, and as such I urge it.

As the advocate of that tremendous interest I make a demand which every fair-minded man will admit to be a very modest one, and therefore I urge it strongly; not that the engineers of the Army should be discarded, but that an influential proportion should be yielded to the civil engineering skill of this country on the commission proposed to prepare at last the way for intelligent and energetic action in the accomplishment of an object which is most necessary to us. Is that asking too much? Must that policy of obstruction which hitherto has so often prevailed be necessarily adhered to?

I repeat, it is one of the great scandals of our history that the Mississippi, which, so to speak, is the Atlantic Ocean running thousands and thousands of miles into the interior, presenting water facilities scarcely equaled in any country, should have been permitted more than half a century of our control to remain in the half useless condition in which it is to-day. What we want is that it should be opened for large vessels as speedily and as completely as possible—not, if such a thing can be avoided, by a canal, closing the great harbor of the Mississippi Valley with a lock, where vessels must be lifted up or let down when they pass out and in, but an open mouth, where ships can pass out and in freely without hinderance and detention. We want to know whether the engineering skill of this country is able to give us that open river mouth; and in order to ascertain this we want upon this commission the civil engineering element fairly and influentially represented. Is this asking too much? Surely, considering the greatness of the object, considering the mighty population interested in this great end, it is a most modest demand, and I stand amazed that a proposition so moderate should find any opposition in this body.

Mr. BOGY. Mr. President, this subject to us in the West is of the very greatest importance. For nearly forty years has this Government been making appropriations for the opening of the mouth of the Mississippi. Appropriations have been made annually and have always been on a large scale. For forty years have these appropriations been placed under the control of the Army of the United States without any direction whatsoever as to the mode and manner of expending that money; and up to this time nothing has been accomplished toward opening the mouth of the Mississippi River. Indeed the navigation of the mouth of the Mississippi River to-day, after forty years of continued large expenditure, is not as practicable as it was forty years ago. There is truly less water upon the bars of the various channels of the Mississippi River now than was there thirty or forty years ago.

We of the West for many years have attached the greatest importance to this question. During the war the soldiers who fought under the flag from the West were rallied under that flag by the appeal that under no circumstances would the western country permit the mouth of the Mississippi River to be controlled by a nation different from the nation which occupied the upper portion of the Mississippi River. It was the great question during the war that there should be one continuous ownership of that vast river from its head to its mouth. We had flattered ourselves that the time had come when the great object which we had been aiming to accomplish for thirty or forty years was about being carried out; that is, that the Government of the United States should in an intelligent manner take such steps and provide such means as would make the effort at least in a scientific way to open the mouth of the Mississippi River.

Without at this late hour of the session pretending to detain this body, I would say that two projects presented themselves, one a project to open one of the main outlets on the river, the other the

canal project. The canal project has not received the assent of those people residing high up on the Mississippi River. It has been condemned by the entire population of the Mississippi River excepting a few persons, or perhaps a majority of the inhabitants of the city of New Orleans. Our object is to have an outlet, whether it be a canal or whether it be one of the main channels of the river. How are we to obtain an outlet? How are we to ascertain which one of these projects is the true one to accomplish this great object? It is only by a scientific examination of the object to be accomplished.

We have believed that the Army had not exhibited the proper scientific skill to accomplish that object. For nearly forty years have the Army engineers been employed on that work and nothing has been done. We therefore ask Congress here to appoint a commission composed in part of Army officers, in part of officers connected with the Coast Survey, and in part of civilians, reserving to the Government of the United States a majority of this commission, that is, two from the Army, two from the Coast Survey, and three from civil life, making seven, securing to the Government upon that commission one majority. We are not asking much. There can be no just reason why this should be refused. The expense certainly is of no consequence. We of the West demand it; we say it is our right; we say that our great trade demands an outlet to the ocean. There is no other outlet but the Mississippi River. That is now obstructed and we wish it open; but, sir, we are not even able to obtain from the Congress of the United States any appropriation to pay a small commission to accomplish the object. The misfortune was exhibited in the formation of the committee itself. Upon the committee of conference there was not a single man from the Senate residing on the waters that flow into the Gulf of Mexico. In the House there was but one. I do not speak of these things with a view of finding fault with individual members of the committee, but the fact is that not a single member of the committee of conference on the part of the Senate resides on the waters that flow into the Gulf of Mexico. One is from Michigan, another from Maryland, and another from the State of Connecticut, and not one is in sympathy with us, not one is in interest with us. So it was with the committee on the part of the House. But a single member of that committee on the part of the House was from the West. All the other persons reside on the waters that flow into the Atlantic Ocean, or near to it.

Now, sir, I am not dwelling here upon the difference as to the ability of the engineers in civil life or in the military department of the Government; but it is not saying much to say that the civilians have exhibited an amount of engineering skill, to say the least, equal to the Army; and indeed they have exhibited more ability in the accomplishment of great works of improvement in every portion of this country. My colleague says they have exhibited more in Europe and the world over. I believe they have; but without dwelling upon an argument of this character or finding fault with those men all we asked and all we ask now is that a number of eminent civilians shall be put upon this commission to co-operate with a majority of Government officers, that is two from the Army, two from the Coast Survey, and three from civil life, so as to make a commission of seven men to examine this great project, a work of importance to us which is incalculable, because unless we can get an outlet to the ocean the whole western world for all time to come will be paralyzed in its energy. It is true we can get there by railroads; it is true we can get there by the use of small crafts; but the time has come when the great commerce of the West cannot be restrained, cannot be limited, and certainly what objection can there be? Why should the Senate, why should Congress, hesitate for a moment to give the proper commission here? Is it the expense? Is it eight, ten, or fifteen thousand dollars, more or less of cost? I was astonished when I heard the report of the committee that there could be hesitation on a matter of this kind. Why should Eastern Senators at all hesitate on a subject of this kind? We who know the interests of the West, who represent their interest on this floor, claim it; and why should it not be given to us? We do not ask for a large appropriation. We only ask for a scientific exploration, and if that scientific exploration does not prove that the great work can be accomplished in a proper way the report of this commission would so show and there would be an end of the whole thing. All we ask is the means to ascertain the great fact whether that work can be done.

Hence, Mr. President, I hope that that portion of the report of the committee of conference will not be received, that another committee will be appointed, and that in the creation of that committee the Presiding Officer will not forget that there are members of this body who reside on the waters that flow into the Gulf of Mexico, and that those men are presumed to know their interests perhaps a little better than those who reside in the extreme North and East. We claim it as a right due to us, because we look upon this commission, organized as it is, as an entire and complete defeat of all which we thought we had accomplished, or nearly accomplished. Let another committee be appointed, not composed of western men entirely, but let the western men be represented on that committee by a sufficient number at least to make their interests known to that committee.

I hope, Mr. President, that that portion of the report which has changed the organization of this commission entirely will not be approved by the Senate.

Mr. CHANDLER. The Senator from Missouri seems to be under a slight misapprehension. This report represents the views of the

House of Representatives. They made a point, and a very strong point, on this amendment. The committee on the part of the House was composed of one member from Ohio, one from Missouri, and one from Wisconsin.

Mr. BOGY. Will the Senator permit me one word?

Mr. CHANDLER. Certainly.

Mr. BOGY. The member from Ohio resides on the lakes; the member from Wisconsin also resides on the lakes; and there was only one member of the committee on the part of the House who resides on the waters that flow into the Gulf of Mexico.

Mr. CHANDLER. They could hardly be called eastern men, any one of them. Fault has been found with the board of engineers for not having accomplished more for the mouth of the Mississippi River. It is but justice to that board of engineers to state that they have brought in plan after plan for the improvement of that river, but appropriations have never been made by Congress to carry out their plans. At this very session a report has been submitted to Congress in which this work is recommended almost unanimously by the board of engineers. The House demanded more than the Senate would yield. The House desired to add one to the number of Army engineers. The committee on the part of the Senate would not yield that, but it allowed two from the Board of Army engineers, two from the Coast Survey, and one from civil life, taking the absolute control of the board out of the hands of the engineer officers of the Army.

Mr. SCHURZ. May I ask the Senator from Michigan since this talk about the proceedings of the committee, is it not the fact that the House proposed three Army engineers, one from the Coast Survey, and three from civil life?

Mr. CHANDLER. I think so.

Mr. SCHURZ. Precisely; and then after having admitted three from civil life, a proposition with which we would have been perfectly satisfied, two engineers from civil life were stricken out.

Mr. CHANDLER. The Senate committee would not consent to strike out two from the Coast Survey. At any rate we made the very best terms we could make with the House committee, and I think that the President nominates them all, and we shall have a good board of engineers, probably the best that will be found in America when it shall have been made; but of course it is for the Senate to decide whether the report shall be received or rejected.

Mr. BOGY. I understand the Senator from Michigan to say that the House committee was willing to appoint three from civil life, three from the Army, and one from the Coast Survey, and that the Senate committee was unwilling to agree to that. The House committee was much more liberal on the subject than the Senate committee, and that is the argument I made a while ago, that on that committee western men in the Senate had no representation at all, and the best evidence of that is that western men would not have agreed to this proposition.

Mr. LOGAN. Mr. President, I have but little to say, but what I shall say will be in answer to the argument made by the Senator from Connecticut [Mr. BUCKINGHAM] in reference to this question.

I am in favor of the report made by the Committee on Transportation. I think if that report had been adopted it would have been a great deal better for several reasons than the report that has been agreed to in conference. The Senator from Connecticut seemed to find fault with the number of three civil engineers, on the ground that it would be too expensive, or at least that was my inference from his remarks.

Mr. BUCKINGHAM. That they would be unnecessary.

Mr. BOGY. We will raise the money to pay them, if it is necessary.

Mr. LOGAN. I was going to answer that in this way: When we are going to enter on a great enterprise like the opening the mouth of the Mississippi River, either by the making of canals or by some other mode, and when before that is accomplished, which I have no doubt will cost this Government probably \$10,000,000, especially if it is to be a canal as expensive as it must necessarily be, it strikes me as a strange kind of economy to strike out two civil engineers for the purpose of saving money, thus preventing the board from having the number desired. This seems to me to be a very strange argument.

I think it would be economy to get a board of engineers made up of different kinds of engineers. Take them from the Army, from the Coast Survey, and from civil life, and we would get a proposition before the Congress of the United States that could be carried out and would be of great advantage to the country. So far as the Army is concerned, I have no fault to find with the engineers of the Army; but I would suggest that the engineers of the Army are already committed in divers ways to a certain plan for the opening of the mouth of the Mississippi River.

My friend from Michigan [Mr. CHANDLER] says they are to be appointed by the President. I presume he means they are to be detailed by the Chief Engineer to perform that work. I suppose that is what he means. I do not know whether the bill provides that these engineers shall be appointed by the President and confirmed by the Senate or not.

Mr. WINDOM. The appointment of the corps of engineers is by the President.

Mr. LOGAN. Very well; then this is to be a mere detail. The appointment by the President in the corps of engineers is merely an order to the Chief Engineer to detail the number of officers provided

for in the bill, nothing more, nothing less. The same order is given to the Coast Survey, and the detail is made by the chief of that department. It is not an appointment at all, nor a selection by the President; but as this bill makes it, it is a mere detail from the Corps of Army Engineers and from the Coast Survey. Hence the only appointment made by the President is the appointment of the one civil engineer that you mention in your bill. It would be perfectly natural, then, for the details to be made, so far as the Army is concerned, from the same parties who have heretofore examined and made reports on this subject. In the Coast Survey it would be different, for they have made no report on this subject.

I do not wish to repeat what has been said here by both Senators from Missouri in reference to the grand achievements which have been accomplished by civil engineers; but I do assert as a fact that the great achievements in this country by engineers have been by men in civil life. As I said, I do not desire to find fault with or criticize the Engineers of the Army; but I will say this, and the Senator from Michigan knows it, they can spend more money and do less work than any set of men that ever lived; and that is a historical fact in this country.

As an illustration of this, in order to show you some of the fine engineering and the ingenuity that exist in the minds of some men, take this Capitol, laid out by an engineer, the plans all made, the ventilation arranged. Then step over to the House, and there you find a thermometer on the walls, standing there yet that has not been taken down, to show that the heat could never be above 70° and never could get down below 50°; and why? Because the apparatus was made so that the mercury never could rise above 70° or get below 50°, and it is there on the walls to-day. That is the ingenious part of the department, and so it is in reference to its work. There never has been a great work done by them yet that had not to be done over again by some civil engineer. I have a letter in my possession from the Chief of Engineers showing that the work of the department is carried on, I will not say in the major part, but in a great part, by civilians. One of the greatest expenses of that Bureau is that they have to employ civilians. I will not say that work cannot be performed by the officers, but in that Bureau they employ civilians in the making of maps, laying out plans, designs, specifications, and indeed all work done by that department is done to-day by civilians; and some of them are employed at as high a salary as your Senators get.

These are undeniable facts, and hence my judgment is that the best engineers we have in this country are civilians; and there is a reason for it. These men are good engineers—nobody doubts that; but will anybody tell me that the course of study at West Point years ago, until it was changed, could make good engineers and good scholars in the length of time they had to go through their studies there? It was impossible. Any man who will take up and read that which was required of these men until within the last three or four years will see that it was an impossibility. They might become good engineers with practice afterward, but you could not make an engineer that could compete in science with those men who had given years and years of study to it and are practical operators besides. Hence I am in favor of putting as many civilians on this board as have been suggested, for the reason that I believe we shall get then a better report; all the different phases of these plans will be examined, and examined in such a way as to give us an account that will cost the least money to the Government, and one that will be the most beneficial to the country, too. I say we do feel an interest in this great work in the West. I do not make any appeal on account of the West, but it has been well said by the Senator from Missouri, [Mr. BOGY,] it is a great water outlet to the commerce of that country, and one that the people of the West feel such an interest in that they are willing to make such appropriations as will give them that outlet at all seasons of the year. But you now propose that the engineers shall have control of this commission, which they will have as it is to be organized, because they have made report after report and have been contending with the difficulties for thirty-odd years, and they will have the control unless you put civilians enough on the commission, so that with the engineers from the Coast Survey they will make the proper examinations and examine all the different plans and find the feasibility of each one of them.

For these reasons I think the committee from the Senate of the United States should, without speaking about expenses, without speaking about the commission being too large, be willing to place such number of civilians upon it as will make it certain when the report comes in that we may rely upon it, having them altogether, civilians, Coast Survey, and Army engineers, and insure such a report as will be reliable.

Mr. ALCORN. I will not detain the Senate more than a few moments in giving the reasons why I think this report should be sent back to another committee of conference. That the Senators who have spoken to-night are not satisfied with the organization as at present made would be a sufficient reason with me though I had no other. The object of this survey is to have one that the country can rely upon; and it is altogether necessary that the board of engineers should be fixed in such a way as to go into the work supported with the confidence of the people. I have every confidence in the ability and in the capacity and scientific attainments of the Army Engineer Corps, and also in that of the Coast Survey Corps; and that we



have engineers of the highest skill in civil life there can be no question. From all these sources we could obtain men of sufficient ability to solve the great problems that are to be solved before the Government enters on this work. It is a great work, and the determination of this country is that the work shall be done. Then how shall it be begun? By a report from a board of engineers. Then, in Heaven's name, let us have that board of engineers such a one as will represent the views of the different sections of the country, if sections can enter into the calculations of scientific men.

I apprehended when these men of science meet together to solve this problem there will be no great divergence upon the questions of fact involved in the true theory of this plan. But it will be said here, unless this board of engineers is altered from the arrangement now made, a certain representation necessary to the true development and true exposition of the facts has not been made. I say with full confidence in the corps of engineers as established by the committee of conference, that I would be perfectly willing myself, if it was satisfactory, to vote for it. I have faith in the report they will make. Still from the fact that it is not satisfactory to Senators who have spoken, and who reflect a sentiment that exists in the country, I will vote now to make it satisfactory to them, and I think it is a sufficient reason when they say they are not satisfied, that I should vote to make it satisfactory to them.

Mr. WINDOM. Perhaps no more important or difficult question will be presented to the Senate at its next session than that which will be involved in the report to be made by this commission. The Committee on Transportation have given a great deal of attention to this subject. They have studied it with care, earnestly believing that the people of this country demand the opening of the mouth of the Mississippi by the best possible method that can be adopted. The amendment which they proposed to the bill and which was adopted by the Senate that committee believe will best effect that object.

Now, Mr. President, I want to say for one that I have confidence in the board of engineers; but at the same time it is well known that there are two or three different means proposed for that improvement. One is by a canal; another is by an open mouth of the Mississippi, to be effected by a system of jetties; and another is by utilizing the South Pass by means of locks at its head, which will have the effect of giving us a channel five hundred feet in width. It is believed by very many that the Engineer Department is committed to one plan; and for this reason the committee thought, as we must have information on this subject, that it is very important that we bring to bear on it all the talent that the country has or that we can afford to employ; and that the commission of seven, as provided for by the amendment of the Senate, would give us more reliable information, information upon which we should be more certain to act at the next session of Congress; and without detaining the Senate with any further remark, I believe that this matter is of sufficient importance to justify us in asking for a further conference with the hope of obtaining another commission for this purpose.

I believe that if we bring in new life into this commission, men who have not committed themselves to any scheme, men who will study the whole subject and take in all the plans and report on them at the next session of Congress, we shall have a report upon which we can act more safely, and I think more certainly, than as provided for by this conference committee report; and although the session is near its end, I think there will be but little difficulty if we reject this report, in changing the commission in a way that will be more satisfactory to the people most interested in the subject, and on behalf of the Committee on Transportation who have recommended the commission, I think the Senate should give us another conference.

Mr. WEST. I wish to say one word to the Senate as to the progress that has been made by the Engineer Corps of the Army of late years in investigating this subject. On the 14th of March, 1871, the House of Representatives passed this resolution:

That the Secretary of War be, and he is hereby, requested to cause an examination and survey, with plans and estimates of cost, to be made by an officer of engineers, for a ship-canal to connect the Mississippi River with the Gulf of Mexico, or the navigable waters thereof, of suitable location and dimensions for military, naval, and commercial purposes, and that he report upon the feasibility of the same to the House of Representatives.

Mark you, that duty was imposed on the Engineer Corps in March, 1871. After spending three years surveying, boring, planning, specifying, &c., we find this conclusion. Here is their report, made in the spring of this year. After three years' examination of this subject they come to this result:

To determine, however, the best line for the location of the canal across the peninsula, and the best point for its entering the river, and also the position and manner of its entering Isle au Breton Pass, requires further survey, borings, and other examinations and measurements, and the preparation of plans based upon their results.

In the name of conscience for how many more years do you intend to commit that problem to the Engineer Corps of the Army of the United States, when at the end of three years they say they have not even prepared the plans for opening the mouth of that river? Now is this an unreasonable request after such a result as that, after three years with the whole ability of the Engineer Corps of the Army of the United States devoted to it, when they come back here with a partial report and say they want more time to prepare that plan? I think the great interests involved in this case ought to be committed

to men who know something about the subject and who will not come in after three years and want more time.

Mr. SHERMAN. In a matter of this kind very often on a single point a committee of conference may not have made a very satisfactory arrangement. I have no doubt at all that now if this matter was recommitted to the committee they would make a report perfectly satisfactory. I know the feeling with regard to the organization of this commission is that civil engineers should be represented on the board for the examination of this work. I therefore, to expedite the matter, move that the report be recommitted to the same committee of conference, both of the Senate and House, and I have no doubt, for I have conversed with members of the committee, that in five minutes they can arrange this matter satisfactorily.

Mr. DAVIS. I will agree to this recommitment with the understanding that the committee will bring in the number sufficient.

Mr. SHERMAN. They understand that perfectly.

Mr. WEST. I move that the report be recommitted to the same committee of conference with instructions to increase the number of civil engineers. ["O, no."]

Mr. SHERMAN. I would not instruct them at all.

Mr. WEST. It may not be understood.

The PRESIDENT *pro tempore*. The Chair will observe that the practice has been against such instructions.

Mr. SHERMAN. I move that the report be recommitted to the same committee of conference.

Mr. HAGER. I desire simply to express my regret that the committee have left out the appropriation for the harbor of San Diego, which was put in the other day on my motion in the Senate. I say so because I have been told by the Coast Survey Department that unless the harbor is protected, it will cost at least \$2,000,000 to restore that harbor in the course of a few years, and that is the report of General Alexander, of the Corps of Engineers, who has telegraphed recently calling the attention of the department to the importance of the preservation of that harbor, the only one, as I stated, for a thousand miles on that coast where the ocean steamers are in the habit of putting in in stress of weather.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to recommit the report to the conference committee.

The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. HARVEY. I move that the Senate proceed to the consideration of House bill No. 3250.

Mr. WINDOM. I have a report from a committee of conference to submit.

Mr. BOUTWELL. I object until I know what the bill is.

The PRESIDING OFFICER. The title of the bill will be read for information.

The CHIEF CLERK. A bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. MORRILL, of Vermont. I think conference reports ought to be received before anything else is done.

The PRESIDENT *pro tempore*. The question is, "Will the Senate proceed to consider this bill?"

Mr. BOUTWELL. I know enough about that bill to be able to say that it cannot pass the Senate without a great deal of discussion. It will require, in order that it may be acted upon with a proper understanding of the subject, a good deal of examination. I hope the Senate will not undertake to consider it at this session.

Mr. HARVEY. I am ready for the discussion, but I apprehend it will not take long to make it fully understood by the Senate.

Mr. MORRILL, of Vermont. Is a conference report in order?

The PRESIDENT *pro tempore*. A conference report, under the rules of the Senate, has no privilege. The Senator from Kansas moves to consider the bill named by him.

Mr. WRIGHT. I trust that the bill moved by the Senator from Kansas, reported from the Committee on Public Lands, will be taken up. If this bill should lead to discussion let it be so. It is a matter of the greatest importance to settlers and all persons interested in public lands that this bill should be taken up and passed, if possible. I trust therefore the Senate will take up the bill and act upon it.

Mr. STEWART. I hope it will not be taken up, for I think the bill has a good many defects in it that the committee, if they consider it more deliberately, will be able to remedy.

Mr. MORRILL, of Vermont. I wish to say that the enrolling clerks think it will be impossible for them to enroll the bills in the hands of conference committees unless they can have them at once, and I hope therefore we shall proceed with the conference reports before anything else is done.

Mr. WRIGHT. I think the bill should be taken up even if it has to be laid aside informally for conference reports.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to proceed to the consideration of House bill No. 3250.

Mr. HARVEY. I hope the bill will be taken up.

The motion was not agreed to.

## GAS-WORKS.

The PRESIDENT *pro tempore*. The Chair will recognize any Senator with the report of a committee of conference.

Mr. MORRILL, of Vermont, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 733) regulating gas-works, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, and agree to the same with the following amendments: Strike out the words "eight dollars" and insert in lieu thereof the words "eight dollars and fifty cents;" and after the words "ensuing year," insert the words "excepting the Ritchie mineral and the Richmond coal, the cost of which shall not enter into any calculation in making up an average, which statement shall be."

The committee also recommend the following amendment to section 16: Strike out the words "Washington Gas-light Company" and insert in lieu thereof the words "any gas-light company in the District of Columbia."

JUSTIN S. MORRILL,  
WM. B. ALLISON,  
HENRY COOPER,

Managers on the part of the Senate.

W. L. SESSIONS,  
CHAS. O'NEILL,  
STEVENSON ARCHER,

Managers on the part of the House.

Mr. DAVIS. I should like to ask the Senator from Vermont whether the report makes any change in the cost of gas?

Mr. MORRILL, of Vermont. None at all.

The report was concurred in.

## INSANE CONVICTS.

Mr. FRELINGHUYSEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the Senate amendments.

F. T. FRELINGHUYSEN,  
GEORGE G. WRIGHT,  
J. W. STEVENSON,

Managers on the part of the Senate.

C. D. MACDOUGALL,  
J. B. RICE,  
R. M. SPEER,

Managers on the part of the House.

The report was concurred in.

## POST-OFFICE APPROPRIATION BILL.

Mr. FRELINGHUYSEN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from New Jersey rise with another conference report?

Mr. FRELINGHUYSEN. I desire to have the floor for the purpose of calling up a bill—

The PRESIDENT *pro tempore*. The Chair will recognize any Senator with a conference report.

Mr. WINDHAM. I desire to submit the report of the committee of conference on the post-office appropriation bill.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment.

Mr. WINDOM. Perhaps I may save time by stating that this is precisely the same report heretofore submitted with two exceptions. First, the charge for newspaper postage is 2 cents instead of 1½ cents, and the committee provide also that the daily CONGRESSIONAL RECORD may be sent through the mails at 1 cent each. Those are the only changes from the previous report.

The report was concurred in.

## ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of House bill No. 3097 in relation to courts and judicial officers in the Territory of Utah.

Mr. SPENCER. We cannot pass that.

Mr. RAMSEY. Is that the report of a committee of conference?

The PRESIDENT *pro tempore*. The Chair is informed it is not, but the Senator from New Jersey obtained the floor for the purpose of calling up the bill.

Mr. RAMSEY. I thought I had the floor before and I was ruled out simply because I had not the report of a committee of conference. If the Senator from New Jersey rises with other business I claim the floor.

The PRESIDENT *pro tempore*. The Senator from Minnesota is mistaken as to the matter of fact. He did not have the floor.

Mr. DAVIS. I give notice that I intend to press the Calendar of unobjected cases, and I shall object to any bill so that we may go along with the Calendar of unobjected cases.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of this bill.

Mr. DAVIS. I understand that is the bill relating to Utah, which of course will give rise to some discussion.

Mr. FRELINGHUYSEN. I think not.

Mr. DAVIS. I have heard Senators say they meant to discuss it. I do not intend to discuss it myself. There is a large number of unobjected cases on the Calendar, and I think they ought to be considered. It is only intended to consider such as are unobjected to, and I think we ought to proceed with them.

Mr. FRELINGHUYSEN. I think we ought to proceed with the Utah bill.

Mr. LOGAN. I was one who proposed to discuss the bill, but in view of the circumstances I shall not do so.

Mr. SPENCER. Every committee of the Senate has had a day except the Committee on the District of Columbia, and there are two bills reported from the Committee on the District of Columbia that ought to be passed. There is House bill No. 2179 to incorporate the Inland and Sea-board Coasting Company of the District of Columbia that will not require any discussion whatever. Every Senator on hearing it read will agree to the necessity and justice of passing it. I move that the Senate proceed to the consideration of House bill No. 2179. It will not take two minutes; and the Committee on the District of Columbia have not had one hour during this session.

The PRESIDING OFFICER. The motion of the Senator from New Jersey to proceed with his bill is pending.

Mr. SPENCER. If the Senator is willing to yield to me to pass this bill I will then vote for his motion.

Mr. FRELINGHUYSEN. I want the Utah bill taken up first.

Mr. WRIGHT. At the last session of Congress a bill much less severe and much more objectionable than the bill that is now presented to the Senate—I mean much more objectionable to any persons who deem that legislation on this subject is advisable—passed the Senate. I am not aware that the bill as it stands now is particularly objectionable. This fact is patent that in Utah they are substantially without courts and without any of the machinery that is necessary to enforce the law. Now we are within sixteen hours of the adjournment. The question is whether we shall take up this bill at this time and if possible pass it, or whether we shall occupy our time in pressing private bills. I believe this bill can be passed in half an hour or an hour.

Mr. ALCORN. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Mississippi will state his point of order.

Mr. ALCORN. It is whether the question of taking up the bill is debatable.

The PRESIDENT *pro tempore*. It is; but not as to the merits. The question of taking it up is debatable; the merits of the bill are not debatable on this motion. The Senator from Iowa has not touched the merits of the bill, but is trying to show that it ought to be taken up now.

Mr. ALCORN. I thought he was talking about the condition of the Territory, and the bill that was passed by the Senate at the last session of Congress.

Mr. WRIGHT. I have said nothing in reference to the merits of this bill, as to how we should vote or what disposition should be made of it. I am only speaking of the necessity of some action on the subject. That we should pass some bill, either this with amendments or some other bill, in view of the condition of things in Utah, it seems to me is patent to every person. Now, the question is whether we shall spend half an hour or an hour at this time of the night for the purpose of disposing of this bill, or whether we shall have a scramble here over private bills and let this go over. It seems to me that on every principle I can possibly think of, it is due to the country that we should take up this bill and make some disposition of it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

The question being put, there were on a division—ayes 20, noes 18.

Mr. SARGENT called for the yeas and nays; and they were ordered.

Mr. THURMAN, (at one o'clock and two minutes a. m.) I move that the Senate adjourn.

The motion was not agreed to; there being on division—ayes 18, noes 22.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from New Jersey to take up the Utah bill.

The question being taken by yeas and nays, resulted—yeas 26, nays 23; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Logan, Mitchell, Morrill of Vermont, Pease, Robertson, Scott, Sherman, Spencer, Sprague, Tipton, Wadleigh, West, Windom, and Wright—26.

NAYS—Messrs. Alcorn, Bayard, Boggs, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hitchcock, Ingalls, Kelly, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Schurz, Stevenson, Stockton, and Thurman—23.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Hamlin, Howe, Johnston, Jones, Lewis, McCreery, Morrill of Maine, Morton, Oglesby, Patterson, Pratt, Ramsey, Stewart, and Washburn—24.

So the motion was agreed to.



## RAILROAD POSTAL SERVICE.

Mr. MITCHELL. In the Senate on the 24th of March, 1873, the following resolution was adopted:

*Resolved*, That the Select Committee on Transportation Routes to the Sea-board be directed to inquire and report to the Senate, at its next session, as to the nature and extent of the obligations subsisting between the railroad companies and the postal service of the country; and whether any and what additional legislation is necessary to guard the postal service against interruption or injury by hostile action on the part of any or all of said railroad companies.

In pursuance of this resolution the Select Committee on Transportation Routes to the Sea-board took a large amount of testimony, and the whole matter was a few weeks ago referred to myself as a sub-committee to report to the committee. The sub-committee has prepared a report and submitted it to the committee, and they have instructed me, not having time to examine it, to present the report to the Senate and ask that it be printed and recommitted for examination during the recess; and in that connection they have also instructed me to offer the following resolution, which I ask for the immediate consideration of:

*Resolved*, That the Select Committee on Transportation Routes to the Sea-board be authorized to report at the next session of Congress a bill providing for the compensation for postal-car service; and for that purpose the said committee is authorized to sit at Washington City during the recess of Congress, and to make such further investigations as it may deem proper, and to employ a clerk; and that the actual necessary expenses be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. ROBERTSON. Can that resolution be considered if there be one objection?

The PRESIDENT *pro tempore*. It cannot.

Mr. ROBERTSON. I object.

The PRESIDENT *pro tempore*. The question is on printing the report.

The report was ordered to be printed.

The PRESIDENT *pro tempore*. The resolution will lie over, objection to its present consideration being made.

## COMMITTEE ON THE LIBRARY.

Mr. ALLISON. I submit the following resolution on behalf of the Library Committee:

*Resolved*, That the Committee on the Library have leave to sit during the recess of the Senate.

The resolution was considered by unanimous consent, and agreed to.

## PAY OF PAGES.

Mr. FLANAGAN. I offer a small resolution:

*Resolved*, That the usual per diem compensation be paid to the pages up to the 10th of July.

Mr. WRIGHT. I believe an order was made on that subject up to the 1st of July the other day.

Several SENATORS. That is long enough.

Mr. FLANAGAN. The little boys will be kept here a considerable time yet. There is a good deal of business for them to do. I hope they will be encouraged.

The resolution was considered by unanimous consent, and agreed to.

## TEXAS JUDICIAL DISTRICTS.

Mr. WRIGHT. I wish to make a report. The Committee on the Judiciary, to whom was referred the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same, have instructed me to report it back and recommend its passage.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

## PROTECTION OF PERSONS OF FOREIGN BIRTH.

Mr. ANTHONY. As the Utah bill has been taken up—

Mr. FRELINGHUYSEN. Let us get on with it.

Mr. SARGENT. There is a bill which has passed the House to prevent the slavery of Italian children reported favorably by the Judiciary Committee of this body. I do not think it will take a minute to pass it. If it is passed, there is an amendment reported by the Judiciary Committee that the House can concur in. It is a most humane bill, and I trust it may be allowed to pass.

By unanimous consent, the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude was considered as in Committee of the Whole.

The bill had been reported by the Committee on the Judiciary with amendments.

The first amendment was to strike out commencing in line 7 of section 1 the following words:

And whoever shall knowingly and willfully hold any other person in involuntary confinement or to any involuntary service, or who shall transfer any such service to any other person except for the purpose of acquiring a trade or occupation, in the United States, or the Territories thereof.

The amendment was agreed to.

The next amendment was to strike out the third section of the bill in the following words:

SEC. 3. That every person charged with the felonies herein declared may be tried in the district in which the same have been committed, or in any district in which the person so inveigled, brought, kidnapped, sold, or held has been taken under such confinement or holding to involuntary servitude.

The motion was agreed to.

Mr. THURMAN. I move to strike out the fourth section.

The Chief Clerk read the fourth section, as follows:

SEC. 4. That upon the trial of the felonies herein declared, the consent of the person so held, confined, or kidnapped shall not be a defense unless it appear satisfactorily to the jury that such consent was not extorted by threats or by duress.

Mr. THURMAN. That section admits that consent, not extorted by duress or violence, is a defense, and well it may admit it because the *gravamen* of the charge is that one person holds another in involuntary servitude, which cannot be the case where the party so held consents. The idea of there being consent shows that there is no involuntary servitude; but now this fourth section provides that although consent be given, it shall be no defense unless it shall appear that that consent was not the result of duress or violence.

Mr. SARGENT. I do not think it is necessary to debate it. I have no objection to the section going out.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out the fourth section.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## RIVER AND HARBOR BILL.

Mr. DENNIS. I am instructed by the committee of conference to submit a second report on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes.

Mr. FRELINGHUYSEN. I suggest that the Clerk read the change and not the whole report.

The CHIEF CLERK. The change is in the last paragraph of the report, which now reads:

That the House recede from its disagreement to the amendment numbered 50, and agree to the same with an amendment as follows: strike out the words "two from the Army, two from the Coast Survey," and insert in lieu thereof "three from the Army, one from the Coast Survey;" also strike out the word "fifty" and insert the words "twenty-five" in lieu thereof; and the Senate agree to the same.

Mr. STEWART and Mr. SHERMAN. How will it read then?

Mr. BUCKINGHAM. The word "three" is restored in the second line.

Mr. SHERMAN. Meaning three from civil life?

Mr. BUCKINGHAM. Yes.

Mr. WEST. I see that they have cut the appropriation down to \$25,000; and how are you to pay the civil engineers?

Mr. SHERMAN. We shall have to raise the money for them.

Mr. WEST. Very well; we will raise the money for them.

Mr. BUCKINGHAM. I should like to have the Clerk report the clause as it is amended, "three" being inserted instead of "one" on the second line, so as to read "three from civil life."

The CHIEF CLERK. The conference committee propose to amend the third section inserted by the Senate as an amendment so as to make it read:

SEC. 3. That a board of engineers to be composed of three from the Army, three from civil life, and one from the Coast Survey, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf, or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the cost of said survey.

The report was concurred in.

## THE CONGRESSIONAL PRINTER.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That one hundred extra copies of the report of the Senate Committee on Public Printing on the charges preferred against the Congressional Printer be printed for the use of the committee.

## THE SUMNER EULOGIES.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That fifty extra copies of the eulogies on the late Hon. Charles Sumner be printed and suitably bound for the use of the committee appointed to attend his remains to Massachusetts.

## HOUR OF MEETING.

Mr. MORRILL, of Maine. I desire to reconsider the vote by which the Senate fixed the hour of meeting for to-morrow at ten o'clock. It becomes necessary to meet a little earlier on account of the presentation of the report of the committee of conference on the sundry civil appropriation bill, which we hope to have ready at that time, and it is necessary to get it to the other House in season for action upon it, it first having to be presented here. I move therefore to reconsider the vote fixing the hour of meeting to-morrow at ten o'clock with a view to making it nine.

The PRESIDENT *pro tempore*. The Senator from Maine moves to

rescind the vote by which the Senate ordered that when it adjourn to-day it be to meet to-morrow at ten o'clock.

The motion was agreed to.

Mr. MORRILL, of Maine. I now move that when the Senate adjourn it be to meet to-morrow at nine o'clock.

The motion was not agreed to.

Mr. MORRILL, of Maine. Then, gentlemen, fix the time to suit yourselves; you understand the business.

Mr. ALCORN. I rise to an inquiry of the Chair. The Senator from Maine—

Mr. FRELINGHUYSEN. I believe there is a bill that I have a right to demand the regular order on. I have allowed many things to come in.

Mr. SHERMAN. I move that when the Senate adjourns to-day it be to meet to-morrow at half past nine o'clock.

Mr. BAYARD. I hope the Senator from Ohio will take a rather broader view of the situation and move to make it ten o'clock.

Mr. SHERMAN. We have just reconsidered that.

Mr. BAYARD. I move to amend the motion by saying ten o'clock. The PRESIDENT *pro tempore*. The Senator from Delaware moves to amend the motion by striking out "half past nine" and inserting "ten o'clock" to-morrow as the hour of meeting.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the motion as amended, which is that when the Senate adjourns to-day it be to meet to-morrow at ten o'clock.

The motion was agreed to.

Mr. SHERMAN. Now I move that the Senate adjourn.

Mr. FRELINGHUYSEN. I think I have the floor.

The PRESIDENT *pro tempore*. The Utah bill being before the Senate, and being the unfinished business, the Senator from Ohio moves that the Senate do now adjourn.

Mr. FRELINGHUYSEN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 26, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hitchcock, Jones, Kelly, Morrill of Vermont, Norwood, Pratt, Ransom, Robertson, Saulsbury, Schurz, Scott, Sherman, Stewart, Stockton, Tipton, and Washburn—26.

NAYS—Messrs. Anthony, Boreman, Bontwell, Buckingham, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Logan, Merrimon, Mitchell, Pease, Ramsey, Spencer, Sprague, Wadleigh, West, Windom, and Wright—24.

ABSENT—Messrs. Allison, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, Lewis, McCreery, Morrill of Maine, Morton, Oglesby, Patterson, Sargent, Stevenson, and Thurman—23.

So the motion was agreed to; and (at one o'clock and thirty-five minutes a. m. Tuesday, June 23) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, June 22, 1874.

The House met at eleven o'clock a. m.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

Thou sovereign God before whom the nations live and die, upon whom we depend, who hast led us all these years, now in parting bless us. Sanctify to us, we pray Thee, the kind providence which has spared us during these months. Sanctify to us the dispensations of Thy providence which have brought death to this Chamber. O, let Thy spirit now guide our feet in the paths of obedience and peace, that we may enjoy ever Heaven's benediction, whether we live here or in that world in which we never die. We pray Thee bless the legislation of this session. Have our Government, in all its departments, in Thy holy keeping. Dwell Thou in every heart by Thy Holy Spirit. Abide with those who remain; go with those who go; and grant, O God, that this land may be Immanuel's land; that truth and righteousness and peace may everywhere prevail; and that we among the nations of the earth may continue to be abundantly blest, illustrating before the world the power of the divine life.

Father, wherein we have sinned against each other help us to forgive as Thou hast forgiven us. Guide us ever by Thy Divine counsel, and may we ever follow Him who hast taught us to pray:

Our Father, which art in Heaven; hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

### READING OF THE JOURNAL.

On motion of Mr. DAWES, by unanimous consent, the reading of the Journal of Saturday last was dispensed with.

### GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I submit the report which I send to the Clerk's desk from the committee of conference upon the Geneva award bill.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendment to the bill of the Senate and agree to the same with the following modification, namely: Strike out section 5 and insert as section 5 a new section in the words following:

SEC. 5. That the President may designate a counselor at law, admitted to practice in the Supreme Court of the United States, to appear as counsel on behalf of the United States, and represent the interest of the Government in said suit, and in all claims filed for indemnity for losses, as provided by this act, subject to the supervision and control of the Attorney-General. Such counsel shall receive for his services and expenses such reasonable allowance in each claim as may be approved by the court, to be apportioned in each claim adjudicated, and paid from said award upon the certificate of one of the judges.

Strike out, commencing on line 11, section 11, "and all claims provable or to be allowed under this act shall be stated and adjudged upon the basis of United States gold coin at the time of the loss" and insert instead "all claims."

Strike out in section 14, commencing on line 4, the words "shall retain in the Treasury 5 per cent. of the amount of the judgments rendered by the said court," and on the eighth line of same section strike out "95 per cent. of." Commencing on the twenty-second line of the same section strike out the words "deducting nevertheless from each of the said judgments and retaining in the Treasury 5 per cent. of the amount of the said judgments respectively."

On second line of the fifteenth section strike out the words "in coin."

On the twenty-seventh line of the same section strike out the words "the same shall be carried to the general fund of the Treasury," and insert instead "the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

After the sixteenth section insert the two following sections, to wit:

SEC. 17. In ascertaining the amount of such losses, the memorials, affidavits, depositions, and any other papers in the several cases of losses claimed respectively, now filed in the State Department, or official copies thereof, may be read in evidence: *Provided*, That no affidavit shall be read except where it appears to the satisfaction of the tribunal that the affiant cannot be produced before it as a witness or his testimony taken by commission upon interrogatories; and in the hearing of the cause any party claiming shall produce all books, papers, letters, and documents that may be called for by a general description thereof by any opposing party, or satisfactorily account for their loss or non-production, or suffer such judgment as is prescribed in section 15 of the act entitled "An act to establish the judicial courts of the United States," approved September 29, 1789; and on the hearing of the cause, any competent evidence may be produced by either party, either *via voce* or by deposition taken upon interrogatories; and for this purpose depositions may be taken by either party *de bene*, or the court may admit affidavits where it is satisfactorily shown that the witness cannot be produced or his examination by interrogatories and cross-examination cannot be had.

SEC. 18. That in case any judgment is rendered by said court for indemnity for any loss or claim hereinbefore mentioned against the United States at the time of the giving of the judgment, the court shall, upon motion of the attorney or counsel for the claimant, allow out of the amount thereby awarded, such reasonable counsel and attorney fees to the counsel and attorney employed by the claimant or claimants respectively as the court shall determine is just and reasonable, as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as part of the judgment in such case, and shall be made specifically payable as a part of said judgment for indemnification to the attorney or counsel, or both, to whom the same shall be adjudged; and a warrant shall issue from the Treasury in favor of the person to whom such allowance shall be made respectively; which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered about any claim or part or parcel thereof provided for in this bill heretofore or hereafter made or done before such judgment is awarded and the warrant issued therefor, shall be absolutely null and void and of none effect.

And the Senate agree to the same.

BENJ. F. BUTLER,

WM. P. FRYE,

*Managers on the part of the House.*

FRED'K. T. FRELINGHUYSEN,

GEO. G. WRIGHT,

*Managers on the part of the Senate.*

Mr. BUTLER, of Massachusetts. I ask the attention of the House for a moment while I explain this report.

Mr. Speaker, the committee of conference upon the Geneva award bill have agreed first to the payment of the uninsured losses by vessels for which the Geneva tribunal held Great Britain liable. They have agreed to the Senate bill so far as it does not allow the insurers and underwriters to be paid except where upon stating the account of profit and loss it appears that the underwriters have incurred losses on the whole business. They have also stricken out from the Senate bill the provision that these losses shall be adjudicated in gold, finding that nearly impracticable.

We have agreed to strike out what is known as the 5 per cent. clause, that is the clause providing that the Government should retain 5 per cent. for doing the business—a sort of claim-agent fee—and only pay 95 per cent. of the judgment. Then we have inserted a clause that instead of covering the balance into the Treasury, it shall be allowed to remain as a fund from which Congress may hereafter pay other losses. We have agreed to a court of commission instead of the circuit court, and in order to prevent the great evil to be feared from a court of commission we have provided as did the House bill against all assignments for services, all contingent fees, and have made provision that the court of commission shall determine the claims for services in each case.

I believe these are all the provisions of the report and all the changes that have been made. Upon some questions both Houses have agreed, to wit, that the uninsured losers by the cruisers for which the Geneva tribunal held Great Britain liable, including the insurance companies that have suffered losses, on striking a balance, both have agreed. Upon the question of paying insurance companies beyond that both Houses have agreed. And the other amend-



ments are rather amendments of mode, of distribution. I will now answer any questions that any gentleman may desire to ask.

Mr. POLAND. I desire to ask about what amount of money it will take to pay the claims that are provided for by this bill as the committee of conference have left it?

Mr. BUTLER, of Massachusetts. My belief is not more than \$3,000,000.

Mr. POLAND. What provision is made for the balance of the money?

Mr. BUTLER, of Massachusetts. That is provided for in this way: "If there shall remain any part of said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

Mr. TREMAIN. As to war-premium claims, as to the owners of uninsured vessels that were destroyed by other cruisers than the three for which Great Britain was held responsible, and as to the insurance companies who cannot show by an account of their general business that they sustained losses, I understand that this report does not preclude them from asking for and obtaining payment out of the fund by subsequent congressional legislation.

Mr. BUTLER, of Massachusetts. On the contrary, this report leaves open to the war-premium men and the men who lost by cruisers other than the three named in the award and the Shenandoah before Melbourne—in regard to them the report is silent. As to the underwriters who have not suffered a loss in their whole business, the report simply says that they cannot receive any pay before this tribunal. It is silent as to the war-premium men and the other men precisely as the Senate bill is.

Mr. POLAND. Does this bill as it is left by the committee of conference positively and actually forbid any payment to be made to insurance companies for the vessels for which you do provide for payment?

Mr. BUTLER, of Massachusetts. It absolutely forbids it by this court, by this commission; it leaves it to be ordered by legislation hereafter as it does to war-premium men.

Mr. E. R. HOAR. Having failed to get exactly the purport of the explanation of the gentleman, I wish to ask whether this conference report, summing it up, amounts to this: That it provides for the payment of those classes of claimants about whose claims there have been no disputes, and leaves all others for the future judgment of Congress.

Mr. BUTLER, of Massachusetts. Exactly that; I now yield to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I hope this conference report will not be agreed to by this House. It is now conceded, not only by the majority of the Committee on the Judiciary of this House, but it is conceded by the conference committee of the Senate and House of Representatives now making this report, that this fund belongs absolutely to the United States. No such agreement could have been come to as has been made by this committee of conference if in law, equity, and justice this fund belonged to individuals. It is therefore agreed by everybody who has at all considered this subject officially that this money is absolutely the property and money of the United States. Now, I put it to this House whether this being conceded we should go to work and distribute this entire fund or any portion of it any more than we would distribute other moneys that are in the Treasury of the United States, when according to the concession of all parties who have been connected with this matter at all it is agreed that this fund is as much the property and money of the United States as any money in the Treasury. I understand that the conference committee agree that this fund is not to be distributed upon adjudicated claims. They set up a proposition here that there are no adjudicated claims, no considered and agreed claims; but that there are some on which no dispute arises, and it proposed to pay those claims only which were not disagreed to by the persons appearing before the arbitrators at Geneva. I can see no earthly reason why Congress should go to work and distribute this fund on the plan proposed. Who knows whether these claims are just and right? Has there been any proof presented? Is there any one here who can vouch for them? Why are they to be paid and the whole money not distributed? If this money was adjudicated upon claims presented to and considered by the Geneva arbitration, then every dollar of it should be distributed, and distributed upon the adjudication. Congress has no right to say that certain claims shall be paid and certain others not paid without investigation or consideration. It is either adjudicated money agreed to belong to individuals, or it belongs to the Government. I say the committee have conceded that it belongs to the Government, and I hope the House will never agree to this report.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I desire to say a word or two in relation to this report. The doctrine of the gentleman from Wisconsin [Mr. ELDREDGE] seems to me monstrous, that this money, which has been paid by Great Britain for the losses suffered in consequence of the acts of the privateers which she sent out upon the ocean, shall be covered into the Treasury of the United States. It seems to me that the power exercised by the United States in withholding money belonging to the French spoliation claimants has been a monstrous exercise of power.

Mr. ELDREDGE. Allow me to ask a question.

Mr. FRYE. It seems to me that the withholding from Japan the

money that we have in our Treasury to-day is a monstrosity on the part of the United States.

Mr. ELDREDGE. In the report to which the gentleman from Maine [Mr. FRYE] has affixed his own name, does he not say that this money belongs to the United States free and clear from any legal or equitable claim whatever?

Mr. FRYE. I say in the report which I signed that this money belongs to the United States, and that it is held by the United States to be distributed as the laws of justice and equity demand.

Mr. ELDREDGE. The gentleman uses the exact words, or very nearly the exact words that I have quoted—that the money belongs to the United States free and clear of all claims whatever, equitable or legal.

Mr. FRYE. And this money belonging to the United States, citizens of the United States entitled to the protection of the Government, having had their vessels destroyed by pirates fitted out in Great Britain, come to Congress and ask that they shall be reimbursed for those losses; and there is force in their claim which ought to impel every member Congress to answer by giving them bread, not a stone.

I have not given up a jot of my convictions. I hold to-day as I held in the beginning, that the insurance companies have no right whatever in this fund. I hold that we are not justified as a Congress in paying the insurance companies one dollar. All the discussion in the committee of conference, which has been long, has not tended at all to convince me that the position I took is not sound. I have not yielded my convictions on this question. I propose hereafter, if my constituents should send me here, to fight it out on that line to the bitter end. I will never consent to subordinating the claims of the war-premium men, equitable in every respect, to the claims of the insurance companies unjust in every respect.

But, sir, the question came before us, "What shall we do?" We could not agree. There are certain men about whose rights there is no dispute—honest men, poor men; and money belonging to them under the rules of equity is lying in the Treasury of the United States. In our fight between the war-premium men and the insurance companies, shall the payment of these poor and honest claimants, about whose rights there is no dispute, be deferred year after year until they die wearily waiting for what belongs to them, or shall we say like men, "There is no dispute about these claims; and therefore, while we put off the fight as to the rest until some future day, these men shall have their pay now."

Sir, I could not justify myself to my conscience if I permitted this Congress to adjourn without letting these men have what is justly their own; and I trust, sir, that at a future session this fight will be renewed, and that right will in the end prevail. I hope that the conference report will be adopted, and that these men will be paid.

Mr. TREMAIN. Mr. Speaker, there is a strong equity in declaring that claimants whose claims are undisputed, whose losses were presented by our Government, acting in behalf of its citizens, to the tribunal at Geneva, and whose claims were allowed and included in that award, shall not be compelled to await payment of their claims until these matters about which disputes have arisen shall be determined by Congress. I should therefore concur cheerfully in this report were it not for an expression in it which may hereafter perhaps be construed as laying down a precedent that may be unfavorable to the insurance companies. I refer to the provision declaring that before insurance companies under this bill can be allowed for any of their claims they must show by an account of their business during the war that the premiums received by them were not sufficient to indemnify them for their losses. It is true that that provision applies only to this bill. It is said that this bill will only call for the payment of about two million five hundred thousand dollars or three million dollars; and if that clause were struck out I should have no hesitation whatever in casting my vote in favor of the bill. The chairman of the conference committee, however, states that this bill will not preclude insurance companies or war-premium claimants or the owners of uninsured vessels which were destroyed by other cruisers than the Florida, the Alabama, and the Shenandoah before she touched at Melbourne from having their claims considered and allowed by any future Congress or by this Congress at its next session. If the gentlemen who are here now were to constitute the only tribunal to be called upon hereafter to decide this case I suppose that this disavowal might be regarded as having influenced the action of this House, and that therefore no injury would result to the insurance companies.

As to the payment of the \$2,500,000 of uninsured claims on the part of owners of vessels that were destroyed and whose claims were allowed at Geneva, nobody questions their right. We concede that their claims were allowed at Geneva and formed a part of the award. The very principle upon which we advocate the claims of the insurance companies requires that these undisputed demands should be allowed; and while this bill only goes, as we understand, so far as to allow claims that were thus recognized at Geneva and formed a part of the award, it by no means sanctions the principle advocated by the gentleman from Wisconsin [Mr. ELDREDGE] that the Government does not hold this fund as trustee but as absolute owner, but on the contrary, it concedes a principle directly the reverse. If the uninsured owners whose claims were not allowed or the war-premium claimants who it is said have an equitable claim upon this fund were

proper subjects for indemnity, they have just as good a right to come in and as strong a claim to be recognized under this bill as those whose claims were recognized and allowed at Geneva.

Mr. HAWLEY, of Illinois. I wish to inquire whether this conference report gives anything to the insurance companies?

Mr. TREMAIN. I have already stated that it only recognizes the claims of insurance companies who upon an account of their general business may be able to show upon the whole a loss.

Mr. KELLOGG. Will my friend from New York [Mr. TREMAIN] state whether, in his judgment, that provision will prevent future action of this or some other Congress doing full justice to the insurance companies?

Mr. TREMAIN. I have already stated that I asked the chairman of the conference committee whether this would preclude the insurance companies or these other claimants—the war-premium men and the owners of vessels destroyed by other cruisers than those mentioned—and he said it would not.

Mr. BUTLER, of Massachusetts. It would not by this act.

Mr. TREMAIN. Not by this act. The distinguished gentleman from Massachusetts [Mr. HOAR] asked the question of the chairman [Mr. BUTLER] whether insurance companies were precluded in the future from coming in, and he answered unequivocally that they were not. The bill does provide the balance of the fund over and above the amounts allowed by its provisions shall remain in the Treasury subject to the future action of Congress. But what I object to in the report, and that is all I do object to, is that there should have been any provision made for insurance companies at all under those circumstances. What I call the attention of the House to, and leave for them to judge, is when it lays down the doctrine under this bill that an insurance company can only be allowed where it can show by the account of its business during the war it has met with losses; in other words, that its premiums were not sufficient to pay its losses, to say nothing of the expense of its business, it may be urged hereafter that it is a congressional recognition of the principle that insurance companies cannot be allowed on the mere naked doctrine of subrogation by being substituted in the place of the original owners. Of course Congress has plenary power over the subject, and may do what is right with the fund still remaining in the Treasury; but as I said before, if that section were stricken out I should cheerfully vote for the report, and the only embarrassment I have is that this matter may not be determined at the next session of Congress, and succeeding sessions of Congress, not having heard these disavowals accompanying and forming part of this report and influencing the action of this House in voting for or against it, looking only to the law, may interpret it as a recognition of a principle adverse to the doctrine for which we have contended.

But what I wish to say, and I desire to say it now, is that so far as it goes it is an express recognition of the principle for which we have contended, that only those claims allowed shall be paid out of the fund—that were allowed at Geneva and formed part of the award. So far it adopts a sound and just principle; and I have only this to say in answer to the gentleman from Maine, [Mr. FRYE:] I do most sincerely from the bottom of my heart regret that this Congress is about to adjourn without carrying out to its legitimate conclusion the logic of this report; I do most sincerely regret that we shall stand before the world for another period of time with a stain resting upon us because we have failed promptly to respond to a demand clearly established by the principles of law and equity and resting upon our honor and upon our plighted faith.

And when the gentleman from Maine says that these insurance companies have no claim, I take occasion to say to this House that our action in passing the House bill, which I rejoice has been promptly rejected by the Senate, has called from all parts of this country, from the best talent of the country, and from the most honored jurists of the country, a universal expression of disapproval, in which I undertake to say no prominent jurist and no leading newspaper of the country has sanctioned the principle of the spoliation and confiscation of the property of these insurance companies. Mr. William Beach Lawrence, perhaps second to no publicist in the United States, has written a letter on the subject of this bill to the Providence Journal, in which, after alluding to the claims for war premiums as being properly rejected because they belonged to "the indirect claims," he says:

And for the first time it is believed, either in municipal law or international discussions, has an attempt been made to deprive insurers of the title vested in them by the payment of the losses insured against.

He then adds:

One thing I conceive to be certain beyond all question: If Congress should either apply the \$15,500,000 received from England to the purposes of the Treasury, or make a different distribution of the funds from that provided by the treaty and the award of the Geneva tribunal, a fatal blow is given to arbitration. No civilized power will ever make a treaty with the United States, dishonored as they will be by the greatest breach of trust recorded in history.

I ask also to publish with my remarks a most learned and able article from the London Economist, called out by this bill, entirely impartial and independent, showing how the action of this House in disregarding the claims allowed at Geneva, if it shall formally be sanctioned by law, will tend to bring discredit on international arbitration and destroy it forever.

#### THE CLAIMANTS OF THE ALABAMA INDEMNITY.

[From the London Economist, May 30.]

It may be thought that we in England, having paid over to the American Government, in liquidation of the Alabama claims, the money for which the Geneva tribunal adjudged us to be responsible, have no concern in the disposition of the fund among the persons on whose behalf the authorities at Washington made their demand against us. Nor would the mere delay that has taken place in the distribution of the indemnity justify us in being curious or critical about such purely domestic matters of administration and account in a foreign country. But all the circumstances surrounding and prolonging the delay have a significance that we ought not to neglect. In the first place, the controversies arising out of the business in the United States, involve admissions that throw much light—though now only the light of speculative interest—on the history of the Alabama claims, of the negotiations about them, and of the award of the arbitrators at Geneva. But, moreover, they raise questions of public law and constitutional practice of the very gravest kind.

Whether international arbitrations are or are not likely to be accepted in the future as a convenient and humane method of settling quarrels between contending countries, it is easy to conceive that the custom of arranging disputes by the payment of pecuniary indemnities will become even more common than it has been. In most cases such indemnities will be paid to the Government claiming to be aggrieved, not on account of the nation it represents, but on account of certain classes or individuals marked out from the rest of the community as special sufferers by the wrong, and therefore specially entitled to indemnification. The extent to which the nation receiving the indemnity, without an express charge of trust, becomes by implication a trustee for the classes or individuals having a special claim, is a point that, we should say, ought to be very easily determined; but in the United States it has been seriously brought into question, and the doubts thrown upon what we have been accustomed to consider the broad and plainly marked path of public honesty may hereafter mislead other countries where popular pressure or political intrigue may chance to offer temptations for going wrong.

The tribunal of Geneva refused to take cognizance of two classes of claims presented by the American Government; it declined to award anything to the United States on the score of national injury, or to make any indemnification of individuals for indirect or consequential damages. There remained, therefore, to be compensated by England simply the direct losses suffered by certain individual ship-owners in the United States, whose vessels were captured by the cruisers in the operations of which this country was held to be implicated, and by certain insurance companies that had become liable for the value of other captured vessels. It is plain that any painstaking tribunal could easily determine what claims coming under these two categories were valid and the precise amount of them. If the Geneva arbitrators had exercised the discretions granted to them by the treaty of Washington, and had ascertained by the aid of assessors the actual amount of the direct claims, the present disputes and delays would never have disturbed the United States. But the arbitrators thought it easier, and withal more complimentary to the American character, to award a lump sum; and accordingly a sum was awarded which, though paid with promptitude and without remonstrance by our government, was generally thought in England to be in excess of the just measure of damages due upon that part of the American demand that was admitted by the tribunal.

It is now urged on all sides in the United States—by those who advocate the strict distribution of the fund, as well as those who contend that it should be more "liberally" dealt with—that the amount of the indemnity does exceed the amount of any direct claims that can possibly be proved, though it is needless to say that there is no suggestion anywhere that the surplus should be paid back into the British exchequer. If, however, the American Government had desired to avoid any trouble, as well as any appearance of unfairness in dealing with the money handed over by our Government, it was easy to send the direct claimants before the ordinary courts of the Union, which would have settled each claim according to established principles of law; and when all the claims so disposed of had been paid out of the indemnity, if there had remained a surplus—and of this there seems to be no doubt—Congress, if it disdained the too chivalrous honesty of returning it to England, might have proceeded to legislate for the application of the balance to some purpose at least analogous to the avowed object of the award. But in the present moral condition of American politics, the temptation to get the control of a large sum of money with which public opinion may be dragged or muddled, is almost irresistible with the persons who are now all-powerful in Congress.

For two years the matter has been held in abeyance, while a succession of bills have been introduced, both in the Senate and the House of Representatives, prescribing certain schemes for distributing the money, and the Judiciary Committee of the House has bewildered itself with an infinitude of irrelevant arguments. The result is that the claimants, even those whose rights are perfectly clear, have not yet touched a penny of the money paid out of English pockets in compensation of the losses they suffered more than ten years ago. The money lies in the Treasury at Washington, and some politicians profess themselves already in favor of leaving it there to relieve the general taxation of the Union. Others, repudiating this suggestion, are laboring to set aside as many as possible of the direct claimants, in order to give a share in the distribution to classes and individuals whose alleged rights, after a careful hearing, the tribunal at Geneva declined to admit.

The ship-owners, who refused to insure their vessels at war rates when the rebellion broke out, relying on the power of the United States Government to exact compensation for losses, if any should happen, are indisputably entitled to indemnification out of the money paid by England. Even General BUTLER does not contest this; but while Congress is squabbling about the disposition of the very large surplus that will certainly remain after all such claims have been paid, they are very unfairly kept out of their money. Again, the claims of the insurance companies which have paid the losses of ships captured by the Alabama and her consorts, are manifestly within the scope of the award; and though a doubt may arise whether the premiums paid by the owners of these vessels come under the head of direct or indirect damages, this point is one which need not be determined till the insurance companies, who have clearly a first charge, have been paid.

The losses of ship-owners who sold their vessels on the outbreak of the war, and those incurred by the payment of heavy war premiums on vessels not captured, come under the head of consequential damages. Of course there is no objection that, after the direct claims have been paid, the United States Government, if it should not see fit to return the surplus to England, of which we have no expectation whatever, should apply the balance in spite of the arbitrators' decision, to the compensation of the indirect claimants, or even of other sufferers by the war who have no relation to the British indemnity at all. The award does not seem to have restrained the United States, at least in express terms, from doing something of this kind; but it did distinctly constitute the payment of the direct claims a trust upon the fund, which should, in simple honesty, take precedence of every other charge this Congress may choose to make upon the indemnity. The utterly irrelevant and inequitable argument that General BUTLER and others of the demagogic faction are raising against the claims of the insurance companies is a disgrace to the United States.

Specific losses have been suffered, and an international tribunal invested with the amplest powers has allocated a certain sum of money paid by a community responsible for particular acts to the compensation of those losses. But General BUTLER and his allies demand that they shall be allowed to investigate the whole business career of the sufferers during the period within which the losses took place,



with the object of ascertaining whether damage in one way was not redressed by gain in another way, though the gain may have no relation whatever to the cause of the damage. The insurance companies naturally decline to open their books to such an investigation; and, indeed, the whole mercantile community of the United States denounce the pretension as monstrous. But there is a large and noisy class who are interested in cutting down the legitimate claims as much as possible, in order that a large balance may be left for illegitimate claimants. Meantime, not only the insurance companies, but the uninsured ship-owners remain without a penny of the compensation that was paid over by England so long ago.

#### RIVER AND HARBOR APPROPRIATION BILL.

On motion of Mr. SAWYER, by unanimous consent, the House took from the Speaker's table the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, and the same were referred to the Committee on Claims.

#### GENEVA AWARD.

Mr. E. R. HOAR. It was my hope that this Congress would be able to pass a bill at this session making a final disposition of the Geneva award. I think that our position before the civilized world required it if possible. It is not proved to be possible or practicable to reconcile conflicting views. When that was ascertained in the committee of conference I went to those gentlemen and begged them for the honor of the country, for the honor of this Congress at least, to report a measure that would provide for the payment of the undisputed claimants upon the fund, so that this Congress should not go by and leave them unpaid, and leave the rest to be considered in the next Congress without prejudice to the rights of any man.

Now I do not believe that any considerable proportion of this Congress or of the people of this country sympathizes with the views of the gentleman from Wisconsin, [Mr. ELDREDGE,] and I do not propose to take up any time in referring to them. But I do think there is a strong feeling that the undisputed claimants should be paid at once, and when it goes upon the record by the avowal of every member of the committee that the purpose of this is to leave without prejudice every other claim, I cannot see that the objection of the gentleman from New York [Mr. TREMAIN] is important. I therefore hope that without any further consideration of the statements made on the one side or the other about the equities of the particular claims that we cannot now discuss and come to any agreement upon in this Congress, we shall pass this conference report with substantial unanimity.

Mr. POLAND. I understand the gentleman from Massachusetts [Mr. E. R. HOAR] to say that he understands that other claims except those provided by this conference report are left to stand—

Mr. E. R. HOAR. Without prejudice.

Mr. POLAND. There I think the gentleman is entirely mistaken.

Mr. E. R. HOAR. Will the gentleman allow me to say that I asked that specific question fifteen minutes ago of the chairman of the committee, and he answered me categorically in the affirmative.

Mr. POLAND. The report expressly provides that claims of insurance companies shall not be paid.

Mr. BUTLER, of Massachusetts. At this time.

Mr. E. R. HOAR. But they stand like all others to come before a future Congress for adjudication.

Mr. POLAND. I think the gentleman is very much mistaken, whatever the chairman of the committee may have said.

Mr. BUTLER, of Massachusetts. I will read the words from the report.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in courts of the United States who have or may become insane while in prison, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. STEVENSON, conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

#### GENEVA AWARD.

The House resumed consideration of the report of the committee of conference on the bill in relation to the Geneva award.

Mr. POLAND. I ask the gentleman from Massachusetts [Mr. BUTLER] to yield to me for one or two moments.

Mr. BUTLER, of Massachusetts. I yield to the gentleman.

Mr. POLAND. The gentleman from New York, [Mr. POTTER,] who was a member of the conference committee, being obliged to leave, gave me a written statement as his views, which he desired me to present to the House. I ask the Clerk to read the gentleman's letter.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., June 20, 1874.

MY DEAR SIR: The United States claimed that Great Britain had been remiss in the discharge of her duties as a neutral. For injuries thus occasioned our citizens had no remedy against Great Britain; but they had a right. Their claims together with the claims of other citizens for enhanced premiums and certain national claims were presented by our Government to Great Britain. They were subsequently by treaty submitted to the tribunal at Geneva. That tribunal decided in terms against all the national claims and against all the private claims except only the vessels

destroyed by the Alabama, Florida, and Shenandoah after Melbourne. These vessels were ninety-four in number. Their value, and that of their cargoes and earned freight, &c., was estimated by the tribunal, including interest at over \$15,400,000.

The fund paid in pursuance of this award seems to me, therefore, to be held "in trust" (as the Supreme Court in Vasse's case said) for the persons interested in those vessels; and I have accordingly not felt at liberty to join in any report which either debarred those interested in those vessels from getting their share of this award, or which distributed the money to any person whom the tribunal declared not entitled to it.

I am compelled to leave to-night, and as you and I have been in entire accord in the Judiciary Committee on this question, I now write you that you may make such representation to the House in respect of my action on the conference committee as you may see proper in my absence.

I remain, dear sir, truly yours,

CLARKSON N. POTTER.

Hon. LUKE P. POLAND.

Mr. POLAND. As Mr. POTTER says in that letter, we got pay from England for ninety-four vessels and cargoes. The value of these vessels and cargoes was figured up and made the basis of the Geneva award. This bill as it is left by the conference report provides that all the owners of those ninety-four vessels shall be paid, deducting what they have received from insurance companies. Now we got pay for the ninety-four vessels at their full value.

Mr. ELDREDGE. The gentleman will have difficulty in finding any table or any adjudication that will show the precise sum of \$15,500,000, or that it is based upon any specific claims.

Mr. POLAND. I cannot yield. This statement of the gentleman from New York [Mr. POTTER] is absolutely true. Now, we say that the owners of these ninety-four vessels and cargoes shall get their money, deducting such sums as they have received from insurance companies. Who shall have the balance? We have it. It seems the plainest statement in the world. I would agree with the gentleman from Massachusetts [Mr. E. R. HOAR] who has just spoken, that if this matter was left entirely free and open so that insurance companies could come before Congress, or come before a tribunal and stand unbiased and unprejudiced with the war premiums and the owners of vessels destroyed by the other rebel cruisers—I would agree with him that to the extent to which this bill now goes by the report of the conference committee it would be better to pay it out of the fund to the claimants who we all agree are entitled to it. But I tell the House and I tell the gentleman from Massachusetts [Mr. E. R. HOAR] that this bill as these gentlemen have left it absolutely forbids any payment to insurance companies. To be sure we may hereafter repeal this law which we are now enacting and agree to pay the insurance companies; but when the gentleman from Massachusetts and the gentleman from Maine say that they have left all claims of insurance companies to stand for the unprejudiced action of some future Congress, they make a statement that is entirely different from my construction of the bill which they present.

Mr. KELLOGG. I desire to ask the gentleman from Vermont a question.

Mr. BUTLER, of Massachusetts. I cannot yield further.

Mr. POLAND. I ask the gentleman to yield to me for just one word more. Our conference committee went to the Senate and they came back shorn. They have absolutely abandoned the entire House bill. What remains here is the Senate bill. The Senate bill has a great deal less of abomination in it than ours had. To that extent I commend the efforts of these gentlemen.

We had one thing in the bill that was not in the Senate bill, and which was abandoned by the conference committee, which was not a good thing. It provided that each claim should go before one of the organized and established legal tribunals of the country. The Senate provided for one of these three-cornered commissioned courts.

Mr. BUTLER, of Massachusetts. O, no; five-cornered.

Mr. POLAND. I have always been a little jealous of special tribunals to decide questions of right between men. I think myself that the regularly organized legal tribunals of the country are the proper tribunals to decide disputed cases that may arise; they are far cheaper, they are far more likely to arrive at the truth when facts are in dispute, and far more likely to decide the law correctly, and the whole is more uniform and honest.

Mr. Speaker, I have such strong objection to the report of the committee of conference that I cannot vote for it. It is true that so far as the bill provides for the paying out of the money now, it provides for paying only to the men who all agree are entitled to it under the Geneva award. In that respect it goes absolutely against the doctrine of the report of the gentleman from Massachusetts, that this was the money of the nation. The committee have agreed as far as they go that the money due to individuals under that award shall be paid to them. The legitimate result and consequence of going as far as the conference report proposes must be that the insurance companies have the money they paid for the vessels which were included in the award. If I did not fear that this bill would be claimed as barring insurance companies hereafter, I would not object to it.

Mr. BUTLER, of Massachusetts. I will now yield for one minute to the gentleman from Kentucky, [Mr. BECK,] and then I shall ask the previous question upon agreeing to the report.

Mr. BECK. I desire to say a word only. When this question was up in the last Congress I then opposed the bill that finally passed the House. I believed then, and I believe now, that this Congress is obliged, certainly good faith and national honor require us, to distribute this money among the owners of the ships that were destroyed by the Alabama, Florida, and the Shenandoah, or to the persons who,

by payment for losses, are subrogated to their rights. I believe that we hold the money in trust for them, and that we have no more right to keep it in the Treasury of the United States and apply it to general use, than would an executor, guardian, or trustee have the right to pocket the money of his *cestui que trusts*. The Government presented these claims against Great Britain because individuals under our Constitution cannot deal with foreign nations. They had to apply to the Government as their agent and representative to do so, and having so applied—the United States having withdrawn its own claims as a government, indeed the arbitrators having refused to act until we did so—the money evidently belongs to the individual claimants, and for one I would rather see it sunk to the bottom of the Atlantic Ocean than to see it appropriated by the Government of the United States for the common use of the people. Upon this question I differ totally with my friend from Wisconsin, [Mr. ELDREDGE,] and I think that when he comes to examine the question he will agree with me, that we cannot with honor use the money for any other purpose than to pay these individual claimants who represent the ninety-odd ships destroyed by the Alabama, Florida, and Shenandoah. I believe, whether it is equitable or inequitable, that these insurers, who were by law as well established as the common law itself subrogated to the rights of others, are obliged to come in for their share of the distribution. I am sorry that it is so, but I bow to the law as the courts expound it. It was so decided under the Spanish treaty, under the old Danish treaty, and in the French spoliation cases. What are the facts? England did us no damage—so the arbitrators decided—except what she did by her negligence in allowing the three ships I have named to go out from her ports upon the high seas as confederate cruisers, and it is the persons who were injured by the acts of those ships that alone ought to share in the money which the arbitrators award. It is England's money we are now disposing of, *not ours*. Those injured by her, and none others, are entitled to it. She has the right to have wrongs done by her satisfied out of her money.

Mr. Speaker, I have read the debate upon this subject very carefully, and I want to say to the House that the argument made by the distinguished Senator from Ohio [Mr. THURMAN] upon this question the other day never has been and never can be answered. I agree with him, and am proud of it, as the bold, manly utterances of a great democratic lawyer and Senator. Sir, Congress is called upon to act as judge in the consideration of these claims, and I do not know of any more unfit set of judges to decide upon such questions. I prefer that the question should be transferred to the courts, who can decide upon these cases according to their merit.

Mr. BUTLER, of Massachusetts. I desire to say but a single word, and then I will call the previous question and ask for a vote. I agree as a matter of course, upon the premises taken, that the argument that there is subrogation of rights of insurance companies is unanswerable. But we are here to make laws, to put the law as it ought to be. And we are putting the law now as it ought to be; or rather we did in the House bill. But the present bill does not do anything of the sort. We leave that as an adjourned question. I want to put in only one caveat. It is said that we have agreed that the insurance companies shall come in here unprejudiced. I cannot agree to that. They came in here unprejudiced by this report; but they never will come in here with a claim to get paid twice without a great deal of prejudice against them.

Mr. DAWES. I desire to say a single word. There are some things in this report that perhaps I would make different if I could. But I agree that the importance of distributing this award is so great that we ought to yield minor matters of detail; every dollar of it that can be distributed justly ought not to stay an hour in the Treasury or in our possession merely because we cannot distribute the whole of it. I agree that it is most desirable that we should dispose of the whole of it now, and I for one would prefer to do it through the courts. But if that cannot be done, I have confidence enough in any tribunal that will be created to distribute the whole of it, if that is possible, and if not, to distribute as far as we can. But this report is going thus far right, and I shall vote for it, although I should prefer that the whole of this award should be distributed to those who in equity and justice have a right to it. A reproach hangs over this Government for holding for seventy long years the French spoliation award, and the money we have received by treaty stipulations, and which we stipulated to pay to the parties to whom it belongs, and which money we hold in the Treasury because we have the power to hold it. That is a reproach to which we should not add that of keeping the Geneva award or one dollar of it one hour beyond the time we can distribute it.

Mr. BUTLER, of Massachusetts. I now call the previous question. The previous question was seconded and the main question ordered; and under the operation thereof, the report of the committee of conference was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MOIETIES.

Mr. FOSTER. The Senate has returned with an amendment House bill No. 3256, to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive,

and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes. The amendment is to strike out the third section of the bill. I move the amendment be concurred in.

The motion was agreed to.

Mr. FOSTER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ELECTION OF PRESIDENT AND VICE-PRESIDENT BY THE PEOPLE.

Mr. SMITH, of New York, from the Committee on Elections, reported a joint resolution (H. R. No. 116) proposing an amendment to the Constitution in respect of the election of President and Vice-President; which was read a first and second time.

The joint resolution was read, as follows:

*Resolved, &c., (two-thirds of each House concurring,)* That the following article is hereby proposed as an amendment to the Constitution of the United States, and when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution.

#### ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by a direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote; and no voter in any State shall vote for candidates for President and Vice-President who are both citizens of the same State with himself.

SEC. 2. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

SEC. 3. The person having the highest number of presidential votes in the United States shall be President.

SEC. 4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number, in any district, no presidential vote shall be counted from that district.

SEC. 5. The foregoing provisions shall apply to the Vice-President.

SEC. 6. The Congress shall have power to provide for holding and conducting all elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare within ninety days after such election by public proclamation who is elected President and who is elected Vice-President.

SEC. 7. The States shall be divided into districts by the Legislatures thereof; but the Congress may at any time by law make or alter the same.

SEC. 8. No person who has been a justice of the Supreme Court shall be eligible to the office of President.

Mr. SMITH, of New York. I move that the joint resolution with the accompanying report be printed and recommitted to the Committee on Elections.

The motion was agreed to.

Mr. SMITH, of New York. I ask consent that the Committee on Elections have leave to report this joint resolution at any time during the next session.

Mr. ELDREDGE. I object.

#### ELECTION CONTEST—BELL VS. SNYDER.

Mr. SMITH, of New York. I ask consent to report from the Committee on Elections for consideration at this time the following resolution:

*Resolved,* That the contestant, M. S. Bell, in the contested-election case from the second congressional district of Arkansas, be allowed thirty days after the adjournment of the present session of the Forty-third Congress, without further amending his notice of contest, to take further testimony in reference to the vote of Hempstead and Hot Springs Counties; and the contestee, O. P. Snyder, shall have twenty days after the expiration of the said thirty days allowed the contestant to take testimony by rebuttal in relation to the vote in said two counties, this testimony to be taken on ten days' notice served on the parties respectively.

Mr. TODD. I object.

#### THREE SIXTY-FIVE BONDS.

Mr. KELLEY. I ask consent to submit the following resolution for consideration at this time:

*Resolved,* That the House will immediately after the morning hour of Tuesday, the 8th of December, go into Committee of the Whole for the consideration of bill No. 539, being a bill for the issue of convertible bonds and the reduction of interest on the funded debt.

Mr. KELLOGG. I object; there is a special order for the reorganization of the Treasury Department which will come up at that time.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 669) referring the petition and papers in the case of



Robert M. and Stephen A. Douglas, in so far as the same relate to cotton seized, to the Court of Claims.

#### MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The thirteenth amendment was read, as follows:

On page 12 of the printed bill insert the following as a new paragraph:

That the salary of the special policeman in the office of the Secretary of the Senate shall hereafter be \$1,206; and a sum sufficient to pay the increase hereby made be, and the same is hereby, appropriated.

The Committee on Appropriations recommended concurrence in the Senate amendment with an amendment adding thereto the following:

And the salaries of the assistant disbursing clerk and the clerk of the Committee on Appropriations of the House are hereby fixed at the same rate as that of the assistant Journal clerk; and a sufficient sum to meet the increase is hereby appropriated.

For folding documents for the House of Representatives, \$50,000.

For extra stenographic reporting for committees of investigation of the House of Representatives for the first session of the Forty-third Congress, \$6,000, or so much thereof as may be necessary, to be audited and paid under the direction of the House Committee on Accounts.

Mr. WILLARD, of Vermont. I would inquire of the Chair whether it is in order to amend the Senate amendment by putting on it an appropriation for the folding-room of the House? There is nothing in the Senate amendment touching that subject.

Mr. GARFIELD. I desire to call the attention of the House to the several subjects embraced in this amendment. Let the point of order be reserved.

Mr. WILLARD, of Vermont. Very well; I reserve the point of order.

Mr. GARFIELD. The amendment reported by the Committee on Appropriations to be attached to this amendment of the Senate brings the House face to face to some of its own work and some that is not its own work. Two or three days ago, without my knowing it at all until it was done, (and I suppose the same is true of a great many other gentlemen,) a resolution was passed *sub silentio* increasing the pay of one of the clerks in the Clerk's office of this House to \$3,000, and directing the Committee on Appropriations to make provision for it on an appropriation bill. Thus there came to the Committee on Appropriations from the House a resolution mandatory in its character, requiring us to single out one clerk in the office of the Clerk of the House and raise his pay to \$3,000. Now, because we raised the pay of five clerks here in the House there is further on in the bill a proposition from the Senate to increase the pay of twelve clerks in that body so as to correspond exactly.

Now the Committee on Appropriations desire to say that for the clerk of such a committee as that on appropriations, who has been employed every secular day except four since this session began and has worked a large number of nights, to be left with \$2,500 while a group of clerks who work only during the session of Congress are to be put \$500 above him, is an inequity that we desire not to have continue. We therefore submit this amendment for the consideration of the House. My own opinion is that the whole provision ought to go out; but the Committee on Appropriations is bound to obey the order of the House and to report this addition. If you select one of the assistants in the Clerk's office to receive an increase of pay, why not also take, in the next room, those who are in charge of enrolling bills, and who work for hours at night when the other officers of the House have no work at all.

There is another amendment to which I wish to call attention. We have recommended an appropriation of \$50,000 to pay for the folding of documents. We do this upon a letter from the Door-keeper calling our attention to the fact that since our bill embracing the appropriation for the folding of documents passed and became a law the House and Senate have agreed to print the Agricultural Reports for two years, which when we made the former appropriation for folding had not been ordered to be printed. To print all these additional documents will render necessary a very large amount of folding.

Mr. SMITH, of Ohio. What number of those Agricultural Reports has been ordered to be printed?

Mr. GARFIELD. So many as \$50,000, the sum which we appropriated, will publish, the type being already set and the work having thus far gone on. But we have not a dollar appropriated for folding those reports. In addition to that we have appropriated \$60,000 for publishing the Surgical History of the War. Besides that, a large number of other documents have been ordered to be printed; and if the report that has been made up on a conference upon the post-office appropriation bill should go through, the postage on no public document can be higher than ten cents, and the CONGRESSIONAL RECORD will be subjected merely to the rate of newspaper postage, one and one-half cents a pound; so that members will be able to send at that rate tons of speeches printed in the RECORD. Now, all these must be folded; and if we should stand by the legislation which seems in the main to have passed both Houses we must make an appropriation of about the amount now reported for the folding of documents. This work requires, of course, the employment of folders and the payment of their salaries, in addition to the cost of printing. If this \$50,000 be appropriated the appropriation for the folding-room will still be \$25,000 less than we appropriated last year.

Mr. KASSON. I wish to ask the gentleman from Ohio [Mr. GARFIELD] whether the documents to which he refers will be in the folding-room in time to be folded during the coming recess?

Mr. GARFIELD. Yes, sir.

Mr. KASSON. Not the Surgical History?

Mr. GARFIELD. No, sir; but the others will. The Agricultural Report is already in type; the force will be set to work upon it probably as soon as we get away.

Mr. KASSON. Let me ask the gentleman one other question. Does he propose to fix salaries of officers by reference, as is proposed in this amendment? I think I have heard him condemn the practice of making one officer's salary the same as some other officer's, without designating the amount. If that amendment is to be adopted, I wish the figures inserted so that we may know exactly what the amount is.

Mr. GARFIELD. Well, \$3,000 can be inserted.

There is one other amendment to which I wish to call attention. The Committee on Rules have directed me to offer to the House the last clause of this amendment, providing for paying, under the direction of the Committee on Accounts—

Mr. BUFFINTON. Not at all.

Mr. GARFIELD. Why does the gentleman say "not at all?"

Mr. BUFFINTON. Because there is no money to pay that account, and we do not ask to have any appropriated.

Mr. GARFIELD. The gentleman from Massachusetts [Mr. BUFFINTON] does not traverse anything that I am saying. I say that the Committee on Rules, not the Committee on Accounts, have instructed me to move an appropriation of \$6,000, or so much thereof as may be necessary, to pay the cost of extra stenographic reporting of investigating committees which has been done by order of the House this session. Those items are in the amendment. I hope the House will strike out the provision for increase of salary; and I say that against the clerk of the Committee on Appropriations who as much deserves increase of salary as any other officer in the Capitol. When by a kind of quiet, silent arrangement a resolution is shoved through the House making it mandatory on the Committee on Appropriations to report this increase of salary, while I will as chairman of that committee loyally obey the order of the House, yet as an individual member of the House, I ask it now to undo its own mischief. I have done my duty as chairman of the committee in reporting it, but I ask personally that the amendment be rejected in that regard. In relation to the provision for folding documents and for extra stenographic reporting, I suppose we will have to agree to that.

Mr. WILLARD, of Vermont. Some time ago I made a parliamentary inquiry. The thirteenth amendment of the Senate is one in reference to a special policeman in the office of the Secretary of the Senate. What I wish to know is how far these matters, which do not at all relate to that provision for a policeman, can be inserted as an amendment in this House. I make the point of order that this amendment is entirely out of order. Neither the clause for increase of salary, nor that in relation to the folding of documents, nor that in relation to stenographic reporting is at all germane to the Senate amendment.

The SPEAKER. Does the gentleman raise the point of order that the amendment is not germane to the Senate amendment?

Mr. WILLARD, of Vermont. I do.

The SPEAKER. The Chair cannot see how he can do otherwise than sustain the point of order. It can come in therefore only by a suspension of the rules.

Mr. GARFIELD. The amendment of the Senate relates to an officer of the Senate. I think it has been customary, on a bill between the two Houses, that an amendment relating to the officer of one could be amended by a provision relating to an officer of either of the Houses.

Mr. WILLARD, of Vermont. But there is also here an appropriation for folding documents.

Mr. GARFIELD. The appropriation for folding documents perhaps will not be germane.

The SPEAKER. That is what the gentleman makes his point of order on.

Mr. GARFIELD. I thought he made it on the whole amendment.

The SPEAKER. The other part the Chair would rule to be in order.

Mr. WILLARD, of Vermont. I wish to say a word.

The SPEAKER. If the gentleman insists on his point of order the amendment is not before the House.

Mr. WILLARD, of Vermont. I do insist on my point of order in relation to the appropriation for the folding-room.

The SPEAKER. The Chair sustains the point of order.

Mr. KASSON. I ask the amendment be reported.

Mr. HAWLEY, of Illinois. I move to strike out the whole amendment.

The amendment of the Senate was again read, as well as the amendment moved by the Committee on Appropriations.

The SPEAKER. The Chair rules the amendment to the amendment to be in order, excepting that part relating to the folding of documents, which is ruled out.

Mr. DAWES. Is it in order to add to the amendment providing for a clerk to the Committee on Ways and Means?

The SPEAKER. It is, as that is an amendment only in the third degree.

Mr. DAWES. I do not wish to antagonize any motion to strike out, but I do not know why the clerk of the Committee on Ways and Means should be left out when he has so much to do. If the House decline to strike out, I will then move to include the clerk of the Committee on Ways and Means.

The SPEAKER. It is in order now.

Mr. RANDALL. I wish to say a word on the motion to strike out.

Mr. DAWES. I move to include the clerk of the Committee on Ways and Means.

The motion was agreed to.

Mr. KELLOGG. If it be in order, I wish to move an amendment in regard to another clerk.

The SPEAKER. It is in order if the gentleman from Ohio leaves it open to amendment.

Mr. KELLOGG. I move to include the clerk of the Committee on War Claims at \$2,500. He has to remain here the year through, and that salary is what the committee of the House agreed he should have. I move that amendment.

Mr. GARFIELD. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. RANDALL. There is a principle to my mind involved in the Senate amendment. The Constitution of the United States gives to each House the control of its own officers, and following that each House has the right to settle what the pay of its officers shall be. It is hardly fair that we should load down with amendments the Senate amendment which merely relates to its own officers. I should have liked therefore that there had been separate amendments. For I have always said here and in committees of conference on legislative appropriation bills that each House had the right to fix the salaries of its own officers. Now, while I demand that right for this House I am at the same time consistently willing to give it to the Senate. Therefore I think the Senate amendment No. 13 as it stands should be adopted.

Mr. GARFIELD. I move the previous question and call for a vote.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is on the amendment of the gentleman from Connecticut [Mr. KELLOGG] to appropriate \$2,500 as salary to the clerk of the Committee on War Claims.

The amendment was not agreed to.

The SPEAKER. The question is next on striking out the amendment which the Clerk will read.

The Clerk read as follows:

And the salaries of the assistant disbursing clerk, and the clerks of the Committees on Appropriations and Ways and Means of the House are hereby fixed at the same rate as that of the assistant Journal clerk, and a sufficient sum to meet the increase is hereby appropriated.

Mr. SPEER. Does not negating that carry with it the amendment of the Senate also?

The SPEAKER. O, no; this amendment which it is proposed to strike out is to amend the Senate amendment by adding these words to it.

Mr. SPEER. Then the vote on the Senate amendment will come afterward?

The SPEAKER. Yes.

The question being taken on striking out the words just read, it was decided in the affirmative; and the words were stricken out.

The SPEAKER. The question is next on adding to the Senate amendment the words which the Clerk will read.

The Clerk read as follows:

For extra stenographic reporting for committees of investigation for the House of Representatives for the first session of the Forty-first Congress, \$6,000, or so much thereof as may be necessary, to be audited and paid under the direction of the House Committee on Accounts.

Mr. SPEER. I desire to say a word upon this. It appears that for the reporting done for the Committee on Expenditures in the Department of Justice a bill has been presented for over \$500. The gentleman who did that work of course should be paid; but it was my understanding that there were reporters here employed by the year and paid for doing that work. When I asked where were the reporters who should do that work I was told that one of them had leave of absence from the House. It appears that he had leave of absence from service but not from drawing his pay, so that if this amendment prevails we shall be paying two persons for doing this work.

Mr. RANDALL. I think I can answer the gentleman satisfactorily. In the first place, he will agree with me that those reporters who have done the work should be paid.

Mr. SPEER. I do.

Mr. RANDALL. Therefore whether the manner in which the work was done was regular or irregular, and I think it was irregular, the parties who actually performed the work ought to be paid. This appropriation of \$6,000 is absolutely necessary to pay these reporters who did the work. As to the pay of the absent man the Committee on Rules will report a change of rule that will in the future correct this matter, making the salaries of the officers so much each year, and providing that the two officers for the salaries thus paid shall meet every expense for the reporting of committees.

The question being taken on the amendment to the Senate amendment, it was agreed to.

The SPEAKER. The question is, will the House agree to the thirteenth amendment of the Senate as thus amended?

Mr. FORT. I desire to submit an amendment to appropriate \$25,000 for folding the Agricultural Report. I understand it was ruled out just now on a point of order. Would it be in order to move to suspend the rules and make that appropriation?

The SPEAKER. The Chair will submit that motion when this amendment is disposed of.

The question being taken on concurring in the Senate amendment, with the amendment adopted by the House, it was decided in the affirmative, ayes 83, noes not counted.

So the amendment of the Senate, as amended, was concurred in.

Mr. FORT. I move that the rules be suspended, and that the following amendment be adopted:

To pay to the Door-keeper, for the folding of the Agricultural Report, \$25,000, or so much thereof as may be necessary.

Mr. WILLARD, of Vermont. Let it be provided that none of the money shall be expended for any other purpose.

Mr. SPEER. These reports are printed, and ought to be folded.

Mr. PARKER, of Missouri. Would it be in order to move an amendment to the pending amendment?

The SPEAKER. It would not; the motion being for a suspension of the rules.

Mr. PARKER, of Missouri. I ask the gentleman to accept the words "and other documents."

Mr. FORT. I am urged by the gentlemen around me not to do that. The question being taken on suspending the rules and agreeing to the amendment, there were ayes 121, noes not counted.

So (two-thirds having voted in the affirmative) the rules were suspended and the amendment was agreed to.

The fifteenth amendment of the Senate was read, as follows:

Add on line 290, page 13, the following:

And the Congressional Printer is directed to bid for the same at the estimated cost of performing the work.

The Committee on Appropriations recommended non-concurrence.

Mr. PLATT, of Virginia. I should like to know why the Committee on Appropriations recommend non-concurrence in this amendment; it seems to me to be a perfectly fair and proper one.

Mr. GARFIELD. The reason is this: We were compelled to choose between appropriating a large sum of money to publish our official Post-Office Directory or to authorize the Postmaster-General to make arrangements with some publishers to give them the work of publishing this directory quarterly on condition that the Government should take a certain number of copies. He has had offers from a number of publishing houses in the country and they say that for \$20,000 a year, with a contract for five years, they can furnish it quarterly. The theory is that there will be a sufficient number of persons interested in this work to desire copies of it who will become subscribers, and thus there will be a saving to the Government.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;"

An act (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

An act (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

An act (H. R. No. 3772) for the relief of John D. Young, of Kentucky.

Mr. DARRALL, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 828) for the relief of Alexander Henderson.

#### MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The seventeenth amendment of the Senate was read, as follows:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, \$15,000.

The Committee on Appropriations recommended non-concurrence.

Mr. GARFIELD. I will say in reference to that amendment that while we ought unquestionably to allow them some appropriation for this purpose, the amount named is too large.

The amendment was non-concurred in.

The twenty-second amendment of the Senate was read, as follows:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 30, 1874, \$20,000, or so much thereof as may be required, for the payment of salaries of clerks, messengers, and laborers to do the necessary work of that office, may be used for the purpose aforesaid in the fiscal year ending with June 30, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employes.

The Committee on Appropriations recommended concurrence in the amendments with amendments as follows:

Insert in line 374, page 16, before the word "clerks," the words "such additional temporary."

After the word "laborers," in the same line, strike out the words "to do the necessary" and insert in lieu thereof the words "as the Secretary of the Treasury may find necessary for the."



Mr. GARFIELD. The clause will then read as follows:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 13, 1874, \$20,000, or so much thereof as may be required, for the payment of salaries of such additional temporary clerks, messengers, and laborers as the Secretary of the Treasury may find necessary for the work of that office, may be used for the purpose aforesaid, in the fiscal year ending with June 13, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employes.

That leaves it to the Secretary of the Treasury to judge of the necessity of employing additional laborers, and does not make the action of the Treasurer independent of the Secretary.

Mr. SPEER. Ought not the proviso to be stricken out?

Mr. GARFIELD. No; we do not want to give additional compensation to anybody.

Mr. SPEER. Is not this additional compensation?

Mr. GARFIELD. It is not; it is for additional clerks which are made necessary by the currency bill that passed the other day, which requires 5 per cent. of the circulation of the national banks to be deposited here to redeem mutilated notes, and which requires the Treasury to assort and redeem them.

Mr. SPEER. Does not the first part of the paragraph provide for additional services?

Mr. GARFIELD. For additional services, but not for additional compensation to anybody.

Mr. SPEER. What law controls the Secretary in regard to the additional clerks?

Mr. GARFIELD. He can take them only under existing law.

Mr. KELLOGG. I want to ask the chairman of the Committee on Appropriations if his amendment will not necessitate the turning out of such regular clerks as are not provided for in the other bill?

Mr. GARFIELD. I hope so.

Mr. KELLOGG. We cut down the fourth-class clerks in the Treasury from twenty-eight to seventeen; we cut down the force 40 per cent., more than I thought was right. By the new currency bill we impose additional duties. I do not like the amendment of the gentleman from Ohio, [Mr. GARFIELD,] because it necessitates the turning out of good men who are experts and putting in other men.

Mr. GARFIELD. The Secretary can employ the same men if he wants.

Mr. KELLOGG. If that is the fact I care little about it.

The amendment, as amended, was concurred in.

The twenty-fourth amendment of the Senate was read, as follows:

To enable the Secretary of the Treasury to pay the proprietors of the New York Tribune, for advertising in said journal, the sum of \$339.10, or so much thereof as may be necessary, to be paid upon the audit of the proper accounting officers of the Treasury.

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. That depends upon whether the money is due or not.

Mr. GARFIELD. Since the action of the committee I have received a letter from the Secretary of the Treasury saying that the money was due.

Mr. RANDALL. Then the amendment should be concurred in.

Mr. SPEER. Why has it not been paid, if due?

Mr. GARFIELD. The appropriation ran out.

The amendment of the Senate was concurred in.

The twenty-sixth amendment of the Senate was read, as follows:

To enable the Secretary of the Navy to complete the observations of the transit of Venus, in December, 1874, and to return the parties of observation to the United States, \$25,000, to be expended as provided by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1874, approved March 3, 1873.

The Committee on Appropriations recommended non-concurrence.

Mr. CONGER. I hope this amendment will be concurred in. Congress last year appropriated an amount of money to enable the United States to join with other countries in placing observers at different stations in different parts of the world to observe the transit of Venus. Preparations have been made and the parties have all been selected and the instruments purchased. There is a deficiency in the appropriation of \$25,000, necessary to complete and carry out the work as planned and provided for by Congress and by the commission in charge.

The House may not be aware of the importance of this subject to our commerce and navigation, and to all the nautical interests of the world. All our almanacs, charts, and calculations for navigation are based upon the accuracy with which calculations are made in regard to the size of the earth and the determinations of latitude and longitude. In those charts which we now have are errors which have proved fatal to some of our vessels during past years, errors of ten or fifteen miles in some of the calculations and observations. The opportunities of observing the transit of Venus occur but twice within a period of about one hundred and twenty-five years. Two of these transits occur within eight years of each other, one in December next and one eight years afterward. The next opportunity after that will be in the year 2004. The whole commercial world is interested in obtaining careful and accurate observations of this transit at both of these periods, by means of which important errors may be corrected and our nautical charts improved and rendered more valuable to the entire commercial world.

Our Government has joined with all the other civilized nations in making preparations for this observation. If it is not made at the

two periods I have mentioned, next December and eight years from that time, then over one hundred years will elapse before another opportunity will be presented. There needs to be appropriated this additional \$25,000 to complete all the arrangements which have been made to enable our Government to join in this work and lead in these observations, and to gain to itself the honor and the distinction and the profit of correcting the nautical charts of all the seas of the world. I wonder the Committee on Appropriations have recommended that this amendment be non-concurred in. I doubt if they would have done so had they understood the importance of it to the entire commerce and navigation interests of the world.

The amendment of the Senate was concurred in.

The twenty-eighth amendment was read, as follows:

Insert as a new paragraph the following:

For the District of Columbia, the sum of \$1,300,000, to be expended by the commissioners of said District, and applied as follows: First to the payment of interest on the funded debt of said District, due July 1, 1874; secondly, to the payment of officers, employes, and laborers of the District, whether of the District proper or of the Board of Public Works; and the remainder to the current expenses of said District; all the above sums, except so much thereof as may be paid for interest as aforesaid, to be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment inserting after the words "current expenses of said District" the following:

The money herein appropriated shall be drawn from the Treasury from time to time, as the same may be needed, and only upon detailed statements of amounts to be paid, and the persons to whom or on what account payable, to which statements shall be appended the certificate of such commissioners that they have carefully examined such accounts, and that they believe them to be just, and due to the respective claimants thereof. Copies of said statements, together with the report of all receipts and disbursements of said District government, shall be transmitted to the President, to be by him transmitted to Congress at the beginning of the next session.

Mr. SPEER. I wish to inquire first what amount is required to pay the interest on the funded debt of this District; and secondly, what amount is due to employes and laborers of the District; so that we may know how much of this \$1,300,000 will go to current expenses of the District?

Mr. GARFIELD. In regard to this amendment, the Committee on Appropriations called on the gentleman from Indiana, [Mr. WILSON,] chairman on the part of the House of the joint committee appointed to investigate affairs in the District of Columbia. In a long conference which we had with him he informed us that this action met with the unanimous approval of that committee in both branches. He told us that they had made this classification after a full examination of the whole case; that under the first head, for the payment of interest, some four or five hundred thousand dollars—he could not tell exactly the amount—would be required. As to the second head, I do not know nor did he know precisely what would be the amount of expenditure; but the object is to pay that class of employes to whom payment is due for services directly to the District government; in other words, all workmen who have worked directly for the government, not those who have been employed through the medium of contractors. The only question was whether we should go a step further and include the latter class. It was represented to us that there were some laborers or workmen who had served contractors who had had contracts with the District, and the desire was expressed that we should see that they were paid. The committee were, however, of opinion that Congress could not go to that extent. If a contractor with the Government, or with any officer of the Government, or with any officer of the District has received his pay from the Government or from the District, we could not go behind that settlement and appropriate money to pay the persons whom he employed.

Mr. MAYNARD. Could we not provide where contractors have not been paid in full that before they shall be paid the balance due to them it shall be ascertained that their workmen have been paid?

Mr. GARFIELD. Possibly we might do that.

Mr. MAYNARD. Would it not be just?

Mr. GARFIELD. It would very greatly complicate the accounts and disbursements to make an arrangement like that.

The gentleman from Pennsylvania [Mr. RANDALL] handed me this morning an amendment on this subject which he proposed to offer. Unfortunately I have mislaid it; and I ask that he may be permitted to offer that amendment.

I wish to say that the whole arrangement for the disbursement of whatever money is here appropriated is made definitely and specifically under the bill passed by both Houses on the recommendation of the Joint Investigating Committee upon District Affairs. I think that we had better not go into any special legislation about that matter. We have had a most careful report from the special committee on this subject, and I think it best that we should follow their recommendations. The Committee on Appropriations have, however, added to the amendment of the Senate what they think a very important protective clause, providing that this money shall not be paid over in a lump to the commissioners, but shall be paid on vouchers as presented to the proper accounting officers of the Treasury, and that the commissioners shall make full and detailed reports to Congress, at the beginning of the next session, of every payment they make under this appropriation and all other expenditures generally for the District.

Mr. MAYNARD. Will the gentleman tell us whether in the appro-

priations that have been made any money has been placed to the credit of these commissioners which they can handle themselves; or is the fund to be drawn upon by them on proper vouchers, leaving the money to be handled by somebody else?

Mr. GARFIELD. They can draw the money only on vouchers coming under these three heads, the third being for current expenses.

Mr. KASSON. On that very point I wish to inquire of the chairman of the committee whether he has accomplished the purpose of having payments made directly from the Treasury? I think not. I think this money is left to be drawn upon by the commissioners upon detailed statements. I do not believe, and I think the chairman of the committee does not believe, in the propriety or necessity of such an arrangement when the Treasury is right here at the capital. I would therefore suggest an amendment to insert the words "shall be paid only to the parties to whom the payments are due."

Mr. GARFIELD. I do not yield for that amendment; and I will state why. Under the third head, the current expenses, it would be utterly impossible for any body of commissioners to wait as to every small item of necessary current expenses until vouchers had been made up before they could pay the money. That would not do.

I am very sorry the gentleman from Indiana [Mr. WILSON] is not here. At our request the chairman of the Committee to Investigate the Affairs of the District of Columbia on the part of the House, the gentleman from Indiana, [Mr. WILSON,] drew the amendment very carefully, and in his judgment it will cover the case fully. We adopted it on his recommendation.

Mr. KASSON. In the bill reorganizing the government of the District of Columbia there is no clause which puts anybody under bonds as disbursing officer.

Mr. GARFIELD. These three commissioners are under bonds each to the amount of \$50,000.

Mr. KASSON. But this is a large appropriation.

Mr. GARFIELD. And \$50,000 is an unusually large amount of bond.

Mr. KASSON. Not for disbursing officers.

Mr. SPEER. I wish to know whether this refers to this class of indebtedness. It is known that a large number of contractors paid to their laborers these certificates of indebtedness. They were taken at from thirty to twenty cents below par. They may be held by laborers or by men calling themselves laborers, or they may be put by those who bought them at sixty or seventy cents in the hands of laborers. Is this to pay that class of indebtedness? A large body of these certificates of indebtedness was issued to contractors for work done in the city.

Mr. GARFIELD. That all depends upon the character of the law which we passed the other day for the reorganization of the District of Columbia.

Mr. SPEER. If it does they should only be paid what they gave for those certificates.

Mr. GARFIELD. The act we passed the other day required the interest to be paid shall be refunded out of the taxes from the District of Columbia hereafter. This is not a final expenditure out of the Treasury; it is only an advance. It is to be accounted for hereafter in any adjustment Congress may make next year as to the relative proportion.

Mr. WILSON, of Indiana. This seems to be an unhappy way of expressing it.

Mr. HALE, of Maine. This is an exception in favor of the Government. This interest is a cash fund.

Mr. GARFIELD. I demand the previous question.

Mr. COBURN. Does this mean contractors or persons directly in the employ of the District authorities?

Mr. GARFIELD. The latter is understood.

Mr. COBURN. This is not intended to pay contractors at all?

Mr. GARFIELD. I suppose they can pay contractors where they have done their work and their work has been accepted. That comes in under the general law where it provides for funding this debt.

Mr. KASSON. If the gentleman will allow me I will move to add that "all sums due to any party exceeding fifty dollars shall be paid only by checks on the Treasury issued directly to the party to whom the same is due." That leaves the smaller sums to be paid in money.

Mr. GARFIELD. That puts a large and onerous duty on these three men.

Mr. SPEER. Does it allow a majority or require the whole of them?

Mr. GARFIELD. I do not know what the general law is.

Mr. MERRIAM. The checks will be vouchers.

Mr. GARFIELD. Of course.

Mr. SPEER. What general law do you refer to?

Mr. GARFIELD. The law passed the other day creating this commission and stating what their duty is.

Mr. SPEER. That does not define the duty imposed by this bill upon them.

Mr. GARFIELD. Yes, it does. It tells how they shall disburse and how account for any money coming into their possession by Congress or from the District.

Mr. SPEER. Has it become a law?

Mr. GARFIELD. I believe it was signed yesterday. I ask we adopt this amendment with the understanding that the gentleman from

Pennsylvania [Mr. RANDALL] shall have the right to offer his amendment hereafter. He gave it to me but I mislaid it. On that condition I demand the previous question.

Mr. CANNON, of Illinois. Is it in order to move to strike out this whole section?

The SPEAKER. That will be in order if the previous question is not seconded.

Mr. COBURN. Before the previous question is seconded I ask the amendment be again reported.

Mr. CANNON, of Illinois. I wish to make a motion to strike out.

Mr. SPEER. Is the amendment of the gentleman from Iowa pending?

Mr. KASSON. I ask the gentleman from Ohio to have a vote on the proposition that a hundred dollars shall be paid directly on checks on the Treasury.

Mr. GARFIELD. I am willing to vote on that.

Mr. KASSON. I think it ought to be done. We have lost money already through Jay Cooke & Co. for want of such a provision as this. I send my amendment to the desk.

The Clerk read as follows:

Add to the amendment proposed by the Committee on Appropriations these words:

And all sums due to any party exceeding \$100 shall be paid only by check on the Treasury issued directly to the party to whom the same is due.

The previous question was seconded and the main question ordered.

The question being taken on Mr. KASSON's amendment to the amendment of the committee, it was agreed to.

The amendment proposed by the Committee on Appropriations, as amended, was agreed to.

The question was next on agreeing to the twenty-eighth amendment of the Senate with the amendment adopted by the House.

Mr. CANNON, of Illinois. I move to strike that out.

The SPEAKER. That is what is now to be submitted to the House in another form. The amendment is struck out if the House does not concur in it.

Mr. CANNON, of Illinois. Mr. Speaker, I am opposed to concurring in the Senate amendment for the following reasons: I do not believe it is good policy or good legislation to appropriate money for the District of Columbia until we know to a certainty the proportional share the United States ought to pay on account of Government property in the District. Why, sir, the Joint Select Committee to Inquire into the Affairs of the District of Columbia reported a few days ago and recommended legislation by which the United States should guarantee over \$8,000,000 of bonds to be exchanged for that amount of the non-funded indebtedness of the District. At the same time the committee tell us that such indebtedness was contracted by the District ring without authority of law and in the teeth of the act of Congress organizing the District government and that the same is void. Congress saw proper to pass the bill. At the same time the committee tell us this supposed indebtedness grew out of the rankest kind of jobbing and fraud, and instance one case where a contract was awarded for paving, to the amount of \$400,000, for the alleged procurement of which the contractors paid \$97,000. And this is the kind of indebtedness, at least in part, in exchange for which the holders are to receive bonds guaranteed by the Government!

But we are told that many innocent persons who have done work are the holders in part of this indebtedness. A sufficient reply to this is that all persons are chargeable with a knowledge of the law, and the rule everywhere is that if men become the creditors of a municipal corporation, the corporation having no power to contract the indebtedness, they have no remedy. But I am credibly informed that a large portion of this indebtedness has been bought up by speculators at forty and fifty cents to the dollar. They having full knowledge of the law in the premises and going into the speculation with their eyes open, with the intention of getting this or some other legislation—and no doubt some of them being the very persons who are responsible for the frauds committed in the teeth of the law—if I had my way they should never realize one cent from the venture. However, if there is no way to distinguish between these men who went in upon the ground floor and helped to rear this structure in the teeth of the law, having "fraud" written upon their foreheads so that "he who runs may read," I would at most only pay them what the work is reasonably worth, and in my opinion if they receive anything a commission should have been appointed to inquire what the work was reasonably worth, and only that amount paid. For that reason I voted against the bill offered by the joint committee a few days ago. On top of that legislation we are asked to appropriate \$1,300,000 more, a large portion of which is to go into the pockets of this ring of speculators in payment of interest on bonds and otherwise. I will not vote for it; I will not vote one dollar of appropriation for the District until the rights of the Government and of the property-holders in the District are settled, and when that is done I am willing the United States should pay according to the property owned by the Government in the District and not one cent more. And then the owners of personal as well as real estate in the District should pay taxes. It looks to me like this fraudulent indebtedness by this legislation is in effect about to be fastened upon the United States and upon the District; and I hope that in our anxiety to adjourn we shall not hastily pass this bill. We had better stay here indefinitely than to do so, and I give notice now that I shall call for a vote upon concurring



in this amendment, and appeal to members to give us a vote by the yeas and nays so a record can be made on the same.

Mr. GARFIELD. I rise to reply and yield my time to the chairman of the investigating committee.

Mr. FORT. Before the gentleman from Indiana proceeds, as I do not have the privilege of the floor, I desire merely to say that I indorse everything which my colleague [Mr. CANNON] has said.

Mr. GARFIELD. As we have had one volunteer speech after the previous question was seconded, I think it is only fair that there should be a response. I have therefore yielded to the gentleman from Indiana for that purpose.

Mr. WILSON, of Indiana. I only came upon the floor as the gentleman from Illinois [Mr. CANNON] was concluding his remarks; and not having heard his arguments against this particular section of the bill, as a matter of course it is impossible that I should be able to reply to them. I desire, however, to say in a word or two why I think and why the committee that have had this matter of the investigation into the affairs of the District thought that an appropriation of this kind should be made. If gentlemen have the report of the committee before them, they will find on page 27 a paragraph following a review of the financial situation of this District from which I will read a single sentence. And, by the way, I may remark here that there was a good deal of complaint made upon the floor the other day, when the other bill was before the House for its consideration, as to the rate of taxation that had been recommended to be imposed on the District for the current year. The committee make this remark in their report:

Thus, making the fullest allowance for taxes to be paid by July 1, there will be a deficiency at that time of \$1,000,000 at least.

It will be more than that—it will be more than \$1,000,000. Now taking into consideration the financial condition of this District, the committee came to the conclusion that the best thing that could be done and the thing that we ought to do would be to place this District on a cash basis once more, if possible; and in order to do that we proposed to levy upon the property, the real estate, of this District for the ensuing year, 3 per cent. on property in the city of Washington, 2½ per cent. in Georgetown, and 2 per cent. in the county outside of these two cities. But after doing all that we found there would be still more than \$1,000,000 of deficiency, and therefore we recommend that this amount should be appropriated.

Now, in this connection I desire to say that although it was done without warrant of law, yet since the last appropriation was made in March, 1873, there has been work done which in all probability will cost over \$500,000 by the board of public works around the public property in this city. It would not be right, sir, to make the people of the District pay that money. It is for work absolutely done around the property of the Government, and the people of this District are not responsible for what the board of public works has done. My friend from Illinois [Mr. CANNON] cannot say words in denunciation of the men who have been managing the affairs of this District that I will not indorse. He cannot find language too strong for that denunciation in my judgment, but the people of this District are not responsible for this action that has been taken by the board of public works. I admit, as I have said, that it has been done in defiance of law, but the work has been done around the property of the Government, and therefore if anybody is to pay for it the Government ought to do it. I say this much in justice to the people of the District.

Mr. COBB, of Kansas. I would ask the gentleman why the Select Committee to Inquire into the Affairs of the District did not in reporting their bill include this appropriation of \$1,300,000, so as to give Congress an opportunity to vote upon the question disconnected with other appropriations?

Mr. WILSON, of Indiana. I will explain to the gentleman why that was. The select committee had this matter under consideration and they did not put the appropriation in their bill because they thought it would come more properly from the Committee on Appropriations.

Mr. SMITH, of Ohio. Did not the last Congress vote over \$3,000,000 to pay for this work in the District?

Mr. WILSON, of Indiana. No, sir; the gentleman is under a misapprehension in regard to that. On the 8th of January, 1873, Congress made an appropriation of one million two hundred and forty-odd thousand dollars for a specific purpose, to pay for work that had been done around the public grounds.

Mr. ALBRIGHT. A large part of this appropriation is to go to laborers who have done work for the board of public works and are now in indigent circumstances.

Mr. KELLOGG. I desire to ask the gentleman from Indiana if the board of public works has not employed and agreed to pay wages to laborers under an act of Congress, and if those wages do not remain unpaid to this day?

Mr. WILSON, of Indiana. I shall come to that point in a moment if gentlemen will allow me to proceed.

Mr. KELLOGG. Is it not our duty to pay these men under these circumstances?

Mr. WILSON, of Indiana. I will answer that question as I proceed. I will say in answer to the gentleman from Ohio [Mr. SMITH] that there was another appropriation made of \$913,000, and that was to pay for work that had been done by the old corporation of Washington, and there were other appropriations of like character made. If

any gentleman will take the trouble to look into the matter he will see that the Congress of the United States most obviously was intending by these appropriations to clear up old scores and pay for work that had been done anterior to the time of the foundation of the present government of the District, and then they put into each appropriation bill a provision that no further indebtedness should be incurred for public works in this District for which Congress should be liable. I say therefore that the board of public works violated the law, because in the face of that provision they did \$570,000 worth of work about the Government property. Gentlemen will remember that the bill which passed the House the other day contemplated that we should ascertain hereafter what is the proper proportion that this Government should pay of the current expenses of the District of Columbia. The select committee contemplated that and put a provision in the bill looking to that, leaving it to Congress hereafter to determine what the proper proportion would be. It is properly provided by the Committee on Appropriations in the provision now under consideration that of this \$1,300,000 now appropriated a certain amount shall go to pay the interest on the public debt of the District of Columbia. It is necessary to do that for this reason: there are nearly \$4,000,000 of the bonds of this District which have been sold and are owned abroad and the interest on them falls due on the 1st of July. The government of the District, under the mismanagement to which it has been subjected for the last few years, is today almost without a dollar in its treasury. It has no money, and it is simply a question whether or not this District, the capital of the nation, shall be discredited by the non-payment of the interest upon its debt.

[Here the hammer fell.]

Mr. SPEER. I want to ask if any of these laborers have been employed by the Government of the United States, and, if any, whether the amount due them is not for services rendered to the District government in express violation of law?

Mr. WILSON, of Indiana. It is proposed out of this appropriation to meet this interest. It is also provided in the other bill that that interest shall be refunded to the United States out of the revenues to be collected from taxes which we impose by that act. We have made ample provision between the two bills to meet the whole question. The interest is to be paid back to the United States.

In the next place it provides for the payment of officers, employés, and laborers of the District, whether of the district proper or of the board of public works. They are all employés. There are men here who have been working upon the streets in the employment of the District government and clerks who have been working for the board of public works. Those clerks and the employés of the District government, either of the District proper or of the board of public works, have been without their money, some of them for more than eight months, and some of them for more than a year. I believe there is more suffering in this city than perhaps in any city on this continent north of Mason's and Dixon's line, if not in any city in any part of the country. These people are absolutely suffering on account of not receiving what is due them. I have had old men and old women, and young men and young women, white men and black men, come to me with tears in their eyes and implore us to do something for their relief.

Mr. COBURN. I would ask whether these laborers the gentleman speaks of are the laborers employed by the contractors?

Mr. WILSON, of Indiana. Not at all. This bill does not provide for the payment of the laborers employed by the contractors, but only for those employed by the District proper or the board of public works. We provide that after this interest has been refunded, then the balance of the appropriation shall hereafter be adjusted in fixing the proportional share that the United States is hereafter to pay. This whole amount, involving all this appropriation, will be settled and adjusted, and the United States will get credit for it in the future when this matter is settled.

Mr. GARFIELD. An amendment was received in behalf of the gentleman from Pennsylvania, [Mr. RANDALL,] and I now offer it.

The Clerk read as follows.

Add to the amendment of the Senate the following:

And provided further, That the sum of \$75,000 of said sum hereby appropriated shall be used for the payment of the workmen employed on public improvements on the streets and excavations of Washington under the board of public works of the District of Columbia or the contractors of the same; and the commissioners are hereby authorized and ordered to retain from the several contractors who are indebted to the workmen, and whose accounts have not been settled by the board of public works, the several sums due the workmen.

Mr. GARFIELD. That is, that where the contractors have not been paid there shall be reserved this much until the workmen themselves are paid.

Mr. WILLARD, of Vermont. If this work has been let out by contract and the District of Columbia is liable to the contractors, how can we pay the contractors and the workmen both?

Mr. GARFIELD. We do not; this is to be reserved from the amount due the contractors.

The amendment to the amendment was agreed to.

Mr. MERRIAM. I ask the chairman to allow me to have an amendment read.

The SPEAKER. That would require unanimous consent.

Mr. BARRY. I object.

The question was upon agreeing to the amendment of the Senate as amended; and being taken, upon a division there were—ayes 105, noes 21; no quorum voting.

Mr. CANNON, of Illinois. I call for a further count. Tellers were ordered; and Mr. BURCHARD and Mr. GARFIELD were appointed.

Mr. BURCHARD. In order to save time I call for the yeas and nays. Tellers were ordered on the yeas and nays; and Mr. BURCHARD and Mr. GARFIELD were appointed.

The House divided; and the tellers reported that there were—ayes 33, noes 145.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The House then divided upon agreeing to the amendment of the Senate as amended; and the tellers reported that there were—ayes 119, noes 38.

So the amendment, as amended, was agreed to.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER. I am instructed by the Committee on Commerce to move that the rules be suspended and the amendments of the Senate to the bill (H. R. No. 3108) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, be non-concurred in, and that a conference be requested upon the disagreeing votes of the two Houses thereon.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended and the order made.

The SPEAKER subsequently announced the appointment of Mr. SAWYER, Mr. MCCRARY, and Mr. WELLS as the conferees on the part of the House.

#### SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill, and the fortieth amendment of the Senate was read, as follows:

For the necessary expenses of the land-office at the Dalles, Oregon: For salaries and commissions of the register and the receiver for the fiscal year ending June 30, 1875, \$6,000; and for incidental expenses of said officers, \$1,000.

The Committee on Appropriations recommended non-concurrence.

Mr. NESMITH. I hope this amendment will be concurred in. It is very important that this land office should be established in that remote part of the country. There is an intervening range of impassable mountains, and for a great portion of the year it is impossible to reach the present land office by way of the river. I trust that Congress will give the people of that remote frontier this land office.

The amendment of the Senate was not concurred in.

The fifty-seventh amendment was read, as follows:

Insert as a new paragraph the following:

For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, \$25,000.

The Committee on Appropriations recommended non-concurrence.

Mr. E. R. HOAR. Mr. Speaker, I hope that the House will concur in this amendment. The only objection made to this proposition the other day, when the House acted upon it, arose from an idea that this property would be under the control of some church authorities. I have carefully inquired into the matter, and I find that no such thing is true. This is an incorporated society of the District of Columbia, under no ecclesiastical authority whatever, although to be sure it consists of Catholic women. The property is held in strict trust, to be used sacredly as a home for aged persons. It cannot be diverted from that use by any authority. If such diversion should be attempted the Attorney-General could prevent it through the intervention of a court of chancery.

This is a purely charitable institution; and it seems to me that as we have abolished the government of the District of Columbia, and the charities of this District are now left dependent upon the action of Congress, this is a charity equally deserving with others that we have recognized. I hope the House will concur in the amendment of the Senate. The managers of this institution exercise in the administration of their charity no discrimination of sex, color, or religious belief. The benefits of the institution are extended without any such discrimination to all old people of sixty years or more who are destitute and infirm.

Mr. GARFIELD. I desire in a very few words, not to argue the merits of this case but to give the ground on which the Committee on Appropriations made their recommendation. Having stated that ground, I shall leave the question to the discretion of the House.

I agree with everything that the gentleman from Massachusetts [Mr. E. R. HOAR] has said about the worthy charitable work of this organization known as the Little Sisters of the Poor. I agree that they distribute their charity without the slightest regard to denominational belief. The only ground on which I make a distinction (and it is a distinction I wish the House to understand) is this: Here is an organization composed exclusively of people of one religious denomination. Under its charter the members are wholly and only of one religious sect, and of one society within that religious sect. I take it that no woman in America, not a Catholic, could be one of the corporators in this home. At any rate I take it for granted that the members would not act in conjunction with any corporation not of that sect as a joint controller of the institution.

Now, I make the point—and the Committee on Appropriations made the point—that we ought never to commit ourselves to the aid of an

exclusively sectarian institution. I would say the same were this institution under the control of a Protestant church, even if it were a church to which I myself belonged. The divorce between the church and the state ought to be absolute. It ought to be so absolute that no church property anywhere in any State or in the nation should be exempted from equal taxation; for if you exempt the property of any church organization, to that extent you impose a church tax upon the whole community.

If the House deems this a point that ought not to be considered, I shall be very glad to see these Little Sisters of the Poor helped. If the fifty-sixth amendment, making an appropriation for the work for the Women's Christian Association were in favor of any one sect, I should vote very quickly to strike it out.

Mr. BUTLER, of Massachusetts. Will you allow me just one inquiry?

Mr. GARFIELD. I will.

Mr. BUTLER, of Massachusetts. Do you know of, or do you believe there is or can be, a single Catholic in the Women's Christian Association of this District?

Mr. GARFIELD. I know of no reason in the world why any woman, Catholic or otherwise, cannot be in that association if she desires to be. Furthermore, that is a corporation whose corporators are not of any one religious sect.

Mr. BUTLER, of Massachusetts. Is there a single Catholic among the corporators?

Mr. GARFIELD. I do not know that there is; but there is nothing excluding any Catholic woman.

Mr. BUTLER, of Massachusetts. Is there any more restriction in the one corporation than in the other?

Mr. GARFIELD. Very much more.

Mr. BUTLER, of Massachusetts. How?

Mr. GARFIELD. The association known as the Women's Christian Association does not as such belong to any church. The members of that corporation are from various churches. But here is an association whose very title, "Little Sisters of the Poor," is, as I understand, descriptive of an order within the Catholic Church.

Now, I admit that at the last session Congress made a grant of \$25,000 (the appropriation being passed in this House over the head of the Committee on Appropriations) to a similar organization of the Episcopal Church. In that respect we did just what we are now asked to do. But I think Congress was wrong in making that appropriation. It so happened that the money then appropriated was lost in the failure of Jay Cooke & Co.'s banking-house, and never reached the object intended.

Mr. BUTLER, of Massachusetts. I will guarantee that if you make the appropriation here proposed, neither Jay Cooke nor anybody else than the needy people sought to be benefited will ever get the money.

Mr. CESSNA. I wish to ask the gentleman from Ohio whether Protestants as well as Catholics are not allowed the benefit of the institution for which this appropriation is asked?

Mr. GARFIELD. I understand that the beneficiaries of the Little Sisters of the Poor are taken without regard to any circumstance of religious faith; and in that respect this is a most commendable charity.

Mr. CESSNA. Then I say they ought to have the money.

Mr. GARFIELD. I will not further detain the House, but will yield to my colleague, the gentleman from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. Mr. Speaker, I am sorry to see the chairman of the Committee on Appropriations put himself in opposition to this appropriation. He is too broad and liberal in his views to oppose a charity of any kind, no matter by whom that charity is performed.

I am no Catholic, and practically I am not much of a Protestant; but, sir, I want to call the attention of this House to one fact, and especially that of my friend from Ohio, [Mr. GARFIELD,] who gallantly led one of the divisions of our Army during the late war, and that is when the noble women of these different orders were upon the battle-fields of our country, gathering up the wounded and the dying and pouring consolation into their souls, moistening their lips with cold water, talking to them of home, mother, and friends, cheering their dying moments by leading their minds to the mercy of that God who was so soon to judge them—when they kneeled before our brave soldiers upon their dying beds, did the gentleman or the loyal people ever stop to inquire what was the religious faith of these people? Did they stop to inquire whether they were Catholic or Protestant, Jew or Gentile? When the white-bonneted nuns were seen carrying consolation to the gallant soldiers of the Republic upon every battle-field where our patriots struggled for the national existence, they were not asked as to their religion. Now for the American Congress, made up of distinguished men from all parts of the country, wedded to our institutions, devoted to the cause of liberty, after what we have done already here to-day, to refuse to give this institution what is asked here, must be done upon grounds which we cannot justify. It is too narrow a view to take of it. Patriots and gallant men cannot do this. No citizen of this Republic can undertake to maintain any such position as that.

The title to this property is in these people. This society of the "Little Sisters of the Poor" was organized in 1840. It was chartered in this District on the 15th day of July, 1873. The work of this order



is to care for poor aged men and women. No one can be admitted who is not over sixty years of age. There are now fifty-three persons in this institution, and if they do not care for these aged paupers the District of Columbia will have to do it, and it will cost the District \$8,000 to do it. It is therefore a saving of expense if we vote in favor of this appropriation.

Do you know, Mr. Speaker, that it is a fact that these "Little Sisters of the Poor" are not permitted under the obligations of their order to partake of a single mouthful of food until the inmates of their asylum are first fed? Do you know they go to the hotels and restaurants and wherever they are permitted to go in this city and gather what is left of the crumbs which have fallen from the tables for the purpose of feeding these poor aged outcast men and women who are not able to take care of themselves? I ask the House to stand by this appropriation. I ask the House to give this amount of money to this worthy object.

Mr. BUTLER, of Massachusetts. I desire to add a single word; I will detain the House but a moment. This question came up again in another form. I carried to New Orleans six thousand men. I had but six hundred Catholics among them. When those men were dying in that inclement climate of fever and of malaria from the swamps they were taken care of in the hospitals by Sisters of Charity, and the question never was asked, "What is their faith?" The only question asked was, "Are these men sick and dying?" And when that question was answered the soldier was taken in and he was treated as well and as carefully as if he had been of their own faith. Now, sir, with that knowledge and with the remembrance which my friend from Missouri [Mr. PARKER] has called to my attention of how glad our boys used to be to see these white bonnets coming upon the battlefields and into the hospitals where they nursed the sick and dying, I would cut off my right hand before I would strike down this appropriation in behalf of any religious prejudices against their religion.

My friend from Ohio says nobody but a Catholic can belong to this association. That is true in this sense: nobody will undertake the self-denying vows, that entire devotion to charity but those who have been driven by stern religious faith; but when they have once taken those vows they go forward to their labors to take care of the sick and dying without question as to their religious faith. I hope and trust we will vote for this appropriation without any division.

Mr. RANDALL. What is the question?

The SPEAKER. Concurring in the Senate amendment.

Mr. RANDALL. If we concur that leaves it in.

The SPEAKER. It does.

Mr. RANDALL. That is all right.

Mr. GARFIELD. I desire to say a single sentence in reply.

Cries of "Vote!" "Vote!"

Mr. O'BRIEN. I desire to make a single statement.

Cries of "Vote!" "Vote!"

Mr. O'BRIEN. I desire to make a single statement that will be contained in one single sentence; and that is that the property belonging to this order and its title are vested in this institution, and that no church or sect has any control or authority over it whatever. That is all I desire to say.

Cries of "Vote!" "Vote!"

The question being taken on concurring in the Senate amendment, there were—ayes 102, noes 43.

Mr. SMITH, of Ohio. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 21.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered, and the amendment of the Senate was concurred in.

The sixty-sixth amendment of the Senate was read, as follows:

For building a light-house at or near Solomon's Lump, in Kedges Strait, between Tangier Sound and Chesapeake Bay, \$15,000: *Provided*, That the light-house at Fog Point be discontinued after the completion of the above.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. SENER. I move that the amendment be concurred in.

The question being taken, the amendment was not concurred in.

The sixty-eighth amendment of the Senate was read, as follows:

Strike out these words:

That the jurisdiction of the Light-House Board, created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," approved August 31, 1852, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. GARFIELD. This is a misprint. The Senate did not strike that out. I ask that it be passed over.

Mr. CONGER. If the gentleman is sure of that I have no objection. But I have followed the report in the RECORD through, as far as I could, to ascertain what the action of the Senate was in regard to that matter; and as far as I can learn from the RECORD the Senate did make this amendment.

Mr. GARFIELD. They made it in Committee of the Whole, but not in the Senate.

Mr. CONGER. I read the RECORD differently. Let us non-concur in the amendment.

Mr. GARFIELD. For safety we may enter non-concurrence, but the fact I believe is as I have stated it.

The amendment of the Senate was non-concurred in.

The seventy-third amendment of the Senate was read, as follows:

To enable the Light-House Board to continue its experiments in relation to fog-bells, or other signals, for the protection of the commercial marine, \$5,000.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. CONGER. I ask the House to concur in that amendment.

The Light-House Board are engaged in a series of examinations and experiments in regard to fog-bells and other signals, and a small appropriation of \$5,000 seems to be necessary to enable them to perfect these, and in that way to decide between the different modes of alarming vessels in a fog and in the night, for the protection of commerce. It is but a very small amount, and may accomplish a very valuable purpose.

Mr. GARFIELD. There is a large appropriation for general purposes for the Light-House Board, and we think that we should not give away any more.

The question being taken on concurring in the Senate amendment, there were ayes 6, noes not counted.

So the amendment was not concurred in.

The Clerk read the seventy-fourth amendment of the Senate, as follows:

For building a relief light-ship for general service, in addition to the amount heretofore appropriated, \$15,000, or so much thereof as may be necessary.

The Committee on Appropriations recommended concurrence in the amendment.

Mr. CONGER. I hope the House will non-concur in that amendment. I would like the chairman of the Committee on Appropriations to explain to the House why he asks a concurrence in an appropriation of \$15,000 for a relief light-ship, when we have an appropriation for general expenses of this kind and he would not allow an appropriation for experiment?

Mr. GARFIELD. The department cannot build a light-ship out of the general fund. They can only do it when we appropriate it especially for a ship of the kind, but they have a right to make experiments out of the general fund. If, however, the gentleman wishes that this appropriation shall be stricken out, I have no objection to a non-concurrence in the amendment of the Senate.

Mr. CONGER. I have no such desire, but I confess that I do not see the difference between this case and the one which was up a moment ago.

The amendment of the Senate was concurred in.

The Clerk read the seventy-fifth amendment of the Senate, as follows:

Add to line 1297, on page 53, the following:

But nothing herein contained shall be construed to effect the present jurisdiction of the Second Comptroller of the Treasury in this class of cases: *Provided*, That the Secretary of War is authorized to employ not exceeding thirteen enlisted men for one year in the Ordnance Bureau.

The Committee on Appropriations recommended concurrence in the amendment of the Senate, with an amendment as follows:

Strike out the word "effect" in line 1299, and insert in lieu thereof the word "affect."

The amendment recommended by the Committee on Appropriations was agreed to.

Mr. STRAWBRIDGE. I move to amend that amendment of the Senate by adding thereto the following:

In line 1303, after the word "Bureau" insert the following:

And to retain during the next fiscal year, and no longer, such portion of the force of employees now on duty in the Surgeon-General's Office as may be actually necessary for the service thereof; but nothing in this act shall be so construed as to increase the aggregate force now employed in said office.

The SPEAKER *pro tempore*. (Mr. WHEELER in the chair.) That amendment is not in order, because in the first place it is not germane to the amendment of the Senate, and in the next place it is new legislation.

Mr. STRAWBRIDGE. I move that the rules be suspended and that the amendment be adopted.

Mr. G. F. HOAR. I rise to a question of order on this amendment.

The SPEAKER *pro tempore*. The Chair has ruled the amendment out of order, but the gentleman from Pennsylvania moves to suspend the rules so as to adopt it.

Mr. G. F. HOAR. Well, I raise the point of order whether this amendment can be adopted as an amendment to the Senate amendment without a suspension of the joint rules of the two Houses.

Mr. ALBRIGHT. Why, Mr. Speaker, the same thing was done this morning.

The SPEAKER *pro tempore*. The Chair holds that the rules may be suspended for that purpose. Of course the amendment will have to go to the Senate for consideration. The Chair has already ruled that this amendment is not germane to the amendment of the Senate, that it does not properly attach to it; but the gentleman from Pennsylvania moves to suspend the rules.

Mr. G. F. HOAR. This is a very important question. The point is whether or not when a bill which has passed the House comes back from the Senate with an amendment all that the House can do is either to concur or to non-concur with the Senate amendment, and whether any new matter not involved in the amendments of the Sen-

ate can be added to the bill except by a suspension of the joint rules of the two Houses.

The SPEAKER *pro tempore*. The Chair rules that this bill is so far in the possession of the House that it can be amended by a suspension of the rules.

The question was put on seconding Mr. STRAWBRIDGE's motion to suspend the rules; and on a division there were ayes 10, noes not counted.

So (two-thirds not voting in favor thereof) the rules were not suspended.

The Clerk read the seventy-sixth amendment, as follows:

For continuing experiments with the Moffatt system of breech-loading cannon, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The Committee on Appropriations recommended non-concurrence in the amendment of the Senate.

Mr. HAZELTON, of Wisconsin. I hope this amendment of the Senate will be concurred in. This is only half the amount recommended by the Secretary of War and the Chief of the Ordnance Department for this purpose. It is for continuing experiments with a class of breech-loading guns of very great importance, and they have attracted very general attention, and I hope the amendment of the Senate will be concurred in by the House.

Mr. CONGER. I move to amend the amendment of the Senate by striking out the words "Moffatt system of," so that it will provide for continuing experiments with breech-loading cannon and not confine it to any particular arm.

Mr. GARFIELD. I desire to say that the Committee on Appropriations recommended non-concurrence in this and the following amendment because they propose to make appropriations for two individuals by name. It seemed to us that Congress ought hardly thus to distinguish between the various inventors of the country.

It is precisely on a similar principle that we did not wish to distinguish between churches, and we thought we ought not to distinguish between individuals in this way. If the name is stricken out and the sum appropriated for a general purpose, I will have no objection to it. I have seen this gun of Mr. Lee, and it seems to me to be a very wonderful gun; I should say it was the best small-arm I have ever seen. Still I do not think we should legislate for it by name.

Mr. COBURN. I think the gentleman from Ohio [Mr. GARFIELD] pays a very just compliment to the gun of Mr. Lee. I have never seen anything that will at all compare with it in the shape of a small-arm. But the gentleman says that we should make this appropriation general. Now, it would be utterly impossible with \$10,000, or even with \$20,000, to experiment on all kinds of small-arms. If the amendment of the gentleman from Michigan [Mr. CONGER] shall be adopted, it will defeat the entire purpose of this appropriation. With this small sum we cannot go into a general investigation. And now that we have before us two meritorious inventions, as we have discriminated in other things, why not at least investigate as to whether these two arms are the best? Why not have the tests made upon them? If we make this an entirely open investigation, we entirely destroy the effect of the appropriation. We have appropriated infinitely more to things not worth one-tenth as much.

Mr. CONGER. The experiments may be made under direction of the Secretary of War with this or any other gun if my amendment is adopted; but it does not direct that any one particular patent of any one man shall receive investigation to the tune of \$10,000. If the Department wishes, under this appropriation, to investigate this particular gun, I have no objection; but I do object to appropriating this amount to any one patent.

Mr. HAZELTON, of Wisconsin. The Secretary of War recommends twice this sum for experiments with this gun. It is the usual course; it is always done.

The amendment of Mr. CONGER was then agreed to; and the amendment, as amended, was concurred in.

The seventy-seventh amendment of the Senate was read, as follows:

For the purpose of testing Mr. Lee's breech-loading gun, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The Committee on Appropriations recommended concurrence.

Mr. BUTLER, of Massachusetts. I move to amend the amendment of the Senate so that it will read:

For the purpose of testing magazine and breech-loading guns, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The amendment of Mr. BUTLER was adopted; and the amendment, as amended, concurred in.

The seventy-eighth amendment of the Senate was read, as follows:

For this amount, or so much thereof as may be necessary, for the erection of winter quarters for troops stationed near the Red Cloud and Whetstone Indian agencies, \$30,000.

The Committee on Appropriations recommended non-concurrence.

Mr. STEELE. I desire to call the attention of the House for a few minutes to this Senate amendment. General Ord, a most competent and careful officer, who is in command of the Department of the Platte in which these agencies are located, was in the city a few days since, but was not able to appear before the Committee on Appropriations of the House while they were preparing this bill. But he appeared before the Senate committee, and that committee reported in favor of appropriating \$30,000 for building quarters for the troops at these two agencies.

I accompanied General Ord when he went to the Indian Department to ascertain whether it would be necessary to maintain the troops at these two agencies, they having been stationed there during the present season, five companies at each agency. He informed the Indian Department that he had barracks and quarters sufficient for the troops at the regular posts in the department if he could be allowed to withdraw them from the agencies. But he was informed by the Indian Department that it was absolutely necessary to maintain these troops there; that without them the agencies could not be maintained. There are from five to six thousand hostile or semi-civilized Sioux at each of these agencies.

The appropriation of \$30,000 is simply to provide the doors, sashes, chimneys, flooring, and such things as the troops cannot manufacture for themselves. The proposition of General Ord is to build huts as winter quarters. The troops are now in tents, and General John E. Smith, a gallant officer and thorough soldier, in command at the agencies, reports that it is impossible for them to remain there in tents during the coming winter. This appropriation is to pay for such articles as the troops cannot manufacture from the timber to be found there. The troops will cut the timber and build the huts if this small appropriation is made, which is to provide winter quarters for ten companies of troops, without which they cannot remain in the country where they are now located; and the Indian Department says it is absolutely necessary that they should remain at the agencies. The Commissioner of Indian Affairs told me this morning on the floor of the House that it would be utterly impossible to maintain the agencies at these points and carry on the operations of the Indian Department under the present policy without these troops to protect the agencies and maintain order. I hope the amendment of the Senate will be concurred in.

The amendment of the Senate was not concurred in.

The seventy-ninth amendment of the Senate was read, as follows:

Add to paragraph relating to Freedmen's Hospital and Asylum at Washington, District of Columbia, the following:

*Provided*, That after June 30, 1874, the Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior, who shall make all estimates and pass all accounts, and shall be accountable to the Treasury of the United States for all expenditures; and all property, including hospital and quartermaster stores, belonging to said hospital, and now in charge of the War Department, be also transferred to the Interior Department.

The Committee on Appropriations recommended concurrence.

Mr. WILLARD, of Vermont. What is the reason for this amendment?

Mr. GARFIELD. I ask the Clerk to read a letter from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT,  
Washington City, March 26, 1862.

DEAR SIR: I have the honor to suggest that the appropriation which is now made annually by Congress for the support of the Freedmen's Hospital and Asylum, at Washington, be henceforth disbursed under the Interior or some other Department of the Government. This may simply be done by changing in the sundry civil appropriation bill a few words, and putting the appropriation in another part of the bill.

The suggestion is made, not because the War Department will not cheerfully and faithfully carry out any tasks imposed upon it by the Legislature, but because the Medical Department of the Army is so much reduced in its force that the duties required of it in connection with the Freedmen's Hospital might with more advantage be given to the military service; and in this view it might be well to place this hospital under the care of a civil head.

Very respectfully,

WM. W. BELKNAP,  
Secretary of War.

HON. HANNIBAL HAMLIN,  
United States Senate.

Mr. WILLARD, of Vermont. Will this involve any ultimate increase of expense?

Mr. GARFIELD. Not at all; I do not see how it can.

Mr. BUTLER, of Massachusetts. I wish to say that I am not convinced even by the letter of the Secretary of War. No doubt he would be very glad to get rid of the care of the Freedmen's Hospital; he has no great affection for it, and I should not have if I had to take care of it. But the Department of the Interior was not organized for the purpose of running hospitals. The War Department has had very great experience in this business. It has a medical staff with the Surgeon-General at its head; it has all the machinery for doing this work. The Interior Department has not any surgeon except an examining surgeon for pensions; and he has enough to do—indeed too much. The Interior Department has no force, no staff, nobody to take care of or look after this hospital.

I know it is unpleasant for the surgeons of the Army to take care of negroes; but then I insist that they shall do it, or else that they shall not have their salaries. I hope this recommendation will not be agreed to. I move to amend the amendment by striking out the last four lines providing for a transfer of this hospital from the War Department to the Interior Department.

Mr. WILLARD, of Vermont. I call attention to the last part of the letter of the Secretary of War:

This suggestion is made, not because the War Department will not cheerfully and faithfully carry out any task imposed upon it by the Legislature, but because the Medical Department of the Army is so much reduced in its force that the duties required of it in connection with the Freedmen's Hospital might with more advantage be given to the military service; and in this view it might be well to place this hospital under the care of a civil head.



It is obvious from this that the Secretary of War proposes to have the medical force of the Army withdrawn from this service if the amendment be adopted; and if that be done, of course the medical service of this hospital will have to be provided for in some other way, involving of course some further charge upon the Treasury.

Mr. GARFIELD. That would naturally appear to be true; but it is not so.

Mr. WILLARD, of Vermont. It is, according to that letter.

Mr. GARFIELD. It is not true even according to that letter, as the gentleman will see if he will listen a moment. The Surgeon-General is the one to whom the reports of this hospital are made; but the hospital is in charge of a civil surgeon, who is not an Army officer at all.

Mr. BUTLER, of Massachusetts. He is hired by the Surgeon-General's office.

Mr. GARFIELD. He is hired under this appropriation and paid under it. This is the only appropriation that goes to the support of that hospital; and whether the management of it be transferred or not, this amount of money will be required.

Mr. WILLARD, of Vermont. What does the Secretary of War mean when he says that the medical force can more properly be employed elsewhere?

Mr. GARFIELD. As the gentleman from Massachusetts [Mr. E. R. HOAR] said the other day in reference to another matter, I will make an explanation which I had trusted I should not be called upon to make, for I had hoped that the reading of the letter would be sufficient. Since, however, the gentleman from Vermont insists on a fuller explanation, I will state that as I understand it there is not entire harmony of feeling and opinion in the War Department about the management of the Freedmen's Hospital; and it will settle a rather unpleasant difference of opinion to put the hospital under the Interior Department. Again, the hospital building is owned by the Howard University, having been built when the head of that university was taking care of the freedmen; and a small rental is annually paid to the university for the use of the hospital building. It was understood and expected that the clinic, the surgical operations, of this hospital should be wholly open to the colored medical students in the university. Some difficulties have arisen in this regard; and the students feel that they are not getting a proper opportunity for attending the clinics in the hospital. Because of this question and the differences that have arisen about it in the War Department, the Committee on Appropriations are informed that it will disentangle the trouble to put the hospital under the control of a Department where there is no such antagonism. That is the meaning of the Secretary's letter. The change will not cause any increase of expense. The Surgeon-General does not get any additional pay for taking charge of this institution. He does not detail an Army officer at all for that purpose. The officer now in charge of the institution is a civilian; but he has to make his reports now to the Surgeon-General, while if this transfer be made he will make his reports to the Secretary of the Interior.

I am acquainted with the officer in charge of the hospital, who is an excellent man; and I know that he is not an Army officer. I understand that the officers and students of the university very much desire this change; the colored physician, who is one of the professors in the college, is also very desirous for the change; the Secretary of War, who has charge of the hospital, recommends it; and it occurs to me it is a proper thing for us to do.

Mr. HARRISON. Will the gentleman inform us how the Secretary of the Interior can better settle the difficulties than the Secretary of War can?

Mr. GARFIELD. The Secretary of the Interior has no Surgeon-General's Department.

Mr. WILLARD, of Vermont. That is the very reason why there will have to be an entirely new organization of a medical force if this transfer is made.

Mr. GARFIELD. Not at all.

The question being taken on the amendment of Mr. BUTLER, of Massachusetts, it was agreed to.

Mr. BUTLER, of Massachusetts. In order to make this section conform to the amendment just adopted, I move to strike out the word "Interior," in line 1380, and insert "War."

The amendment was agreed to.

Mr. G. F. HOAR. I move further to amend the amendment of the Senate by adding the following:

To pay, under the direction of the President of the United States, the expenses of Major-General O. O. Howard in employing counsel and summoning witnesses in his defense before an investigating committee of the House of Representatives and before a court-martial, \$7,000.

Mr. SPEER. That amendment is surely not in order. I make the point of order on it. It was ruled out once before.

The SPEAKER. The gentleman from Pennsylvania makes the point of order the amendment is not in order.

Mr. G. F. HOAR. I move to suspend the rules and make it in order.

Mr. SPEER. On that I demand the yeas and nays.

Mr. G. F. HOAR. This was an investigation instituted on the part of the Government.

Mr. SPEER. I object to debate unless both sides can be heard.

Mr. YOUNG, of Georgia. I demand the regular order.

Mr. ELDREDGE. This provides for paying some \$7,000 to General O. O. Howard.

Mr. YOUNG, of Georgia. Let us have the yeas and nays.

Mr. BECK. If it be in order, I will move an amendment to pay Andrew Johnson \$40,000 for the expense of his impeachment.

Mr. G. F. HOAR. I suggest five minutes of debate be allowed on each side.

Mr. ELDREDGE. I object, unless the proposition of the gentleman from Kentucky can be debated. We want the whole question considered at the same time. We want Andrew Johnson's bill paid.

The question recurred on seconding the motion to suspend the rules.

Tellers were ordered; and Mr. G. F. HOAR and Mr. SPEER were appointed.

The House divided, and there were—yeas 80, nays 40.

So the motion to suspend the rules was seconded.

Mr. SPEER demanded the yeas and nays.

Mr. ELDREDGE. I think we had better wait until we have the opinion of the Judge Advocate-General in the case of General O. O. Howard.

Mr. RANDALL. We are asked to pay this expense without knowing what the decision of the court of inquiry is.

The question was taken; and there were—yeas 123, nays 95, not voting 71; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Biery, Bradley, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Conger, Crooke, Danford, Dobbins, Duell, Eames, Field, Foster, Frye, Garfield, Glover, Gunckel, Hagaus, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawson, Lofland, Longbridge, Lynch, Maynard, McCrary, MacDougall, McKee, Merriam, Monroe, Morey, Negley, Nunn, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheets, Sherwood, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Townsend, Tremain, Tyner, Wallace, Walls, Marcus L. Ward, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, James Wilson, and Woodford—123.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Corwin, Cox, Cramer, Crittenden, Crossland, Crounse, Crutchfield, Darrall, Donnan, Dunnell, Durham, Eldredge, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, John B. Hawley, Hereford, Herndon, Hunton, Hyde, Kendall, Knapp, Lamar, Luttrell, Magee, Marshall, Martin, James W. McDill, McLean, Milliken, Mills, Moore, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Phillips, Randall, Read, Robbins, James C. Robinson, Milton Sayler, Sener, Sloss, Small, J. Ambler Smith, Southard, Speer, Sprague, Standiford, Stone, Storm, Thornburgh, Todd, Vance, Waldron, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Wolfe, John D. Young, and Pierce M. B. Young—94.

NOT VOTING—Messrs. Ashe, Banning, Barnum, Barrere, Begole, Blount, Burrows, Clayton, Cotton, Crocker, Curtis, Davis, Dawes, DeWitt, Eden, Elliott, Farwell, Freeman, Giddings, Gooch, Harner, Hathorn, Hays, Hendee, Hersey, Holman, Hurlbut, Hynes, Jewett, Killinger, Lamison, Lawrence, Leach, Lewis, Lowe, Lowndes, Alexander S. McDill, McJunkin, McNulta, Mitchell, Myers, NeSmith, Niles, Orr, Paeker, Pelham, Potter, Pratt, Rainey, William R. Roberts, James W. Robinson, John G. Schumaker, Sheldon, Lazarus D. Shoemaker, Sloan, John Q. Smith, William A. Smith, Snyder, Stanard, Starkweather, Stephens, Swann, Taylor, Charles R. Thomas, Waddell, White, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—71.

So (two-thirds not having voted in favor thereof) the rules were not suspended and the amendment was not received.

During the roll-call,

Mr. COX said: The gentleman from Indiana, Mr. HOLMAN, has gone home in consequence of the dying condition of his daughter.

The result of the vote was then announced as above recorded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had agreed to the conference asked for on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, and had appointed Mr. CHANDLER, Mr. BUCKINGHAM, and Mr. DENNIS as managers of said conference on its part.

It further announced that the Senate had passed a bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, with amendments; in which the concurrence of the House was requested.

It further announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

Joint resolution (H. R. No. 114) to fill a vacancy on the board of managers of the National Home for Disabled Volunteer Soldiers;

Joint resolution (H. R. No. 115) for the relief of certain clerks and employes of the United States;

An act (H. R. No. 3506) for the relief of William Tod Helmuth, of New York;

An act (H. R. No. 1767) to change the name of the schooner Kittie Strang;

An act (H. R. No. 3211) to change the name of the schooner Delmar; and

An act (H. R. No. 3773) to further define and enlarge the powers and duties of the District of Columbia.

## PRESIDENTIAL APPROVALS.

A message from the President, by Mr. O. E. BABCOCK, his Private Secretary, announced that the President had approved and signed bills and joint resolutions of the following titles, namely:

Joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD;

An act (H. R. No. 203) to create two additional land districts in the State of Kansas;

An act (H. R. No. 526) for the relief of James De Long;

An act (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

An act (H. R. No. 1227) granting a pension to Eliza A. Maxham;

An act (H. R. No. 1507) to create an additional land district in the Territory of Colorado;

An act (H. R. No. 1572) fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes;

An act (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers;

An act (H. R. No. 1948) granting a pension to Mary J. Blood;

An act (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy;

An act (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry;

An act (H. R. No. 2095) granting a pension to Charles Macarty;

An act (H. R. No. 2223) for the relief of Robert F. Winslow;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

An act (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service;

An act (H. R. No. 2670) granting a pension to Mary S. Howe;

An act (H. R. No. 2671) granting a pension to General A. C. Voris;

An act (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities;

An act (H. R. No. 2788) for the relief of Henry P. Ingram and John H. Askins;

An act (H. R. No. 2879) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873;

An act (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

An act (H. R. No. 3003) for the relief of George A. Bacon;

An act (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

An act (H. R. No. 3309) granting to the Nevada Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

An act (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

An act (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, A. D. 1873;

An act (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes;

An act (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

An act (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875;

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin;

An act (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

An act (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States;

An act (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

An act (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana; and

An act (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

## SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The eightieth amendment of the Senate was read, as follows:

To enable the Secretary of the Senate to pay a sum sufficient to make the annual salaries of the principal clerk, principal executive clerk, minute and Journal

clerk, and financial clerk of the Senate, as follows: Principal clerk, \$3,600; principal executive clerk, minute and Journal clerk, and financial clerk, \$3,000 each; and a sum sufficient to make the annual salaries of seven of the clerks in the office of the Secretary \$2,592 each, \$4,836.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. HOOPER. I offer the following amendment:

Add to the eightieth amendment the following:

Also the sum sufficient to enable the Clerk of the House of Representatives to pay in future the file, printing, and principal engrossing clerks at the same rate of compensation each received on the 1st day of January last.

That has always been the case, that these clerks have received the same pay as the corresponding clerks in the Senate.

Mr. GARFIELD. I desire to call the attention of the House to this matter. This is the chalice which we offered to the lips of the Senate and it comes back to our own. We raised the pay of four of our clerks. The Senate proposed to raise the pay of twelve of theirs. Now, the only way to make the House even is to put in five or six more House clerks; and in doing that to make every clerk about this House whose pay is not raised believe that he is wronged and degraded by having his friends and associates put up, and to make every officer of the same grade in the Executive Departments at Washington feel that we pay special and partial attention to our own employes around us under our eyes and leave others out of our view.

Now, I firmly believe that there is no justice and no equity in the course we have entered upon. I firmly believe that when the question is stated to the country they will condemn us for every step we have taken in this regard. Yet here we are in the midst of it. The real fair thing, the real just thing to do would be to adopt an amendment repealing all increase of salary that we ourselves have made in the case of our own clerks, in the law that has lately been signed as the legislative appropriation bill. If we do that it would be a plain, square matter of letting salaries alone this session. That is the right path for us to pursue. I am not authorized by the Committee on Appropriations to offer that amendment. I do not offer it; but I say that that is a path that would lead us back to a fair and equitable adjustment of the matter by letting the whole subject alone.

By the other course you make the whole group of men holding positions around this House feel that they are hurt and wronged. There is the clerk of the Committee on Appropriations; I venture to say he has worked more hours than any other employe in the Capitol this winter.

Mr. BUTLER, of Massachusetts. Except the clerk of the Committee on the Judiciary.

Mr. GARFIELD. I cannot except him, though perhaps he has come near it. Then there are the clerks of the Committee on Commerce, the Committee on Ways and Means, the Committee on Pensions, the Committee on War Claims—a whole row of them—and our engrossing clerks who sit up all night and keep up with our work. Now, what are you going to do? Those who do not press you, who do not ask for it, do not get their salaries advanced, while those in whom you are more particularly interested get advanced. For my own part I have tried to wash my hands of the tangle in which the House has got itself by these amendments.

Mr. CONGER. I wish to ask the chairman of the Committee on Appropriations if there is any other committee of this House that has a clerk, door-keeper, and messenger, and the whole paraphernalia of its rooms so well provided for as the Committee on Appropriations? I venture to say that there is no other committee of this House which is so expensive.

Mr. GARFIELD. The Committee on Ways and Means are provided for in the same way.

Mr. CONGER. I have also noticed that when the gentleman from Ohio has feathered his own nest handsomely he lies down in it and takes his repose.

Mr. GARFIELD. What nest?

Mr. CONGER. The committee-room of the Committee on Appropriations.

Mr. GARFIELD. It is not better provided than the room next to it, the room of the Committee on Ways and Means.

Mr. DAWES. Why does the gentleman from Michigan not speak of the Committee on War Claims? He should not stop until he has gone over the whole ground.

Mr. CONGER. It is singular that I cannot make a remark without the chairmen of these committees attempting to overwhelm me.

Mr. DAWES. The gentleman is overwhelmed by being called upon to state the facts; that is all.

Mr. CONGER. I do not know that I am overwhelmed by the greatness of the chairman of the Committee on Ways and Means, but I may be mistaken about that.

Mr. DAWES. There are very many committees that have just exactly the same appointments as these committees. If the gentleman would only enlarge a little his horizon, his statements would be more correct.

Mr. STARKWEATHER. I would like to say a word or two on this question. I am sorry that our economical chairman should have created so great an excitement about so small a matter. I am willing for one to take the responsibility of voting a fair sum to pay for honest work here. I think the sums we voted to our reading clerks were all right. I voted for them. I do not believe that the country is going to condemn us because in certain cases we have voted that



men who have responsible positions and hard work should have fair pay. This talk about washing our hands and the country holding us responsible for this increase, or rather for voting what we have heretofore voted for these hard-working clerks, is getting up a great excitement about a small matter. If the republican party or the democratic party is ever to be condemned or ought to be condemned, it will not be because it has paid these men these sums.

Why, sir, every day we vote away sums without discussion any one of which would cover and more than cover all that would be necessary to pay these men. For one, I am anxious and willing to vote to the clerks of the Committee on Appropriations and the Committee on Ways and Means and any other clerk that does as much work the sum they ask for here—no, not what they ask for, for they have not asked it. But the committees for which these clerks labor and the members of this House have placed these sums here as a just and fair compensation for them. I scout the idea, I do not believe it, that this country is to be revolutionized in its politics or that the people care one straw about the amount appropriated to pay our working clerks. These clerks are working, some of them, all night in order to get our business ready for us. They are furnishing us with information which is of vast importance to us. The clerks of the Committee on the Judiciary, of the Committee on Appropriations, of the Committee on Ways and Means, and of the Committee on Commerce save us more time and money by the information they furnish us, a great deal more, than it costs us to pay the clerks. Those clerks save as much time by the information as we pay for their labor, and more. I believe this session has been shortened in its labors one month by the knowledge and experience of these men. I am sorry to hear the chairman of the Committee on Appropriations—who I know does it in the interest of economy, but there is no real economy in it—ask that these men shall not be properly paid. I am willing to stand by my vote in favor of paying these men a just and fair compensation.

Mr. GARFIELD. I was discussing the increase in the number of Senate clerks.

Mr. STARKWEATHER. O; they have put on eight or ten clerks, but that is no reason why we should not do justice to our clerks who have earned their money. Neither the gentleman from Ohio nor any one else will lose a vote or the good opinion of any man for standing up squarely for a proposition of this kind.

The question was then taken upon the amendment moved by Mr. HOOPER; and it was not agreed to.

The amendment of the Senate was non-concurred in.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes; and

Joint resolution (H. R. No. 50) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

#### SUNDRY CIVIL APPROPRIATION BILL.

The eighty-first amendment of the Senate was read, as follows:

For one clerk of the first class, to keep the accounts of the CONGRESSIONAL RECORD, as required by resolution of Congress.

The Committee on Appropriations recommended concurrence.

Mr. DAWES. I move to concur with the addition of the following:

And the clerks of the Committees on Ways and Means and Appropriations shall hereafter receive the compensation now allowed to the assistant Journal clerk, and the amount to pay the same is hereby appropriated.

I believe the House understands the whole merits of this question. They know the services and value of these clerks. This amendment will put them upon precisely the same footing as the assistant Journal clerk, at \$3,000 a year. I move the previous question on the amendment I have offered.

Mr. SAWYER. I desire to offer an amendment to the amendment, in regard to the clerk of the Committee on Commerce.

Mr. DAWES. That can come in as a separate and independent proposition.

Mr. SPEER. It is hardly fair to make a speech and then call the previous question.

Mr. DAWES. The merits of this case are fully understood.

Mr. SPEER. Will the amendment of the Senate be open to debate after the amendment of the gentleman from Massachusetts shall have been acted upon?

Mr. DAWES. Certainly.

Mr. WILLARD, of Vermont. I suggest to the gentleman to put in the specific sum, \$3,000 a year, and not say "the rate of compensation now allowed to the assistant Journal clerk."

Mr. DAWES. I will modify the amendment as suggested.

Mr. SPEER. What do these clerks get now?

Mr. DAWES. They now get \$2,600 each.

The question was taken upon the amendment of Mr. DAWES, and upon a division there were—ayes 54, noes 61; no quorum voting.

Mr. STARKWEATHER. I call for tellers.

Tellers were ordered; and Mr. DAWES and Mr. SPEER were appointed.

The House again divided; and the tellers reported that there were—ayes 80, noes 68.

Before the result of this vote was announced,

Mr. HAWLEY, of Illinois, called for the yeas and nays.

The yeas and nays were ordered, there being 34 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 109, nays 102, not voting 78, as follows:

YEAS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Barnum, Barry, Beck, Berry, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Amos Clark, jr., Comingo, Conger, Cook, Creamer, Crooke, Crossland, Darrall, Davis, Dawes, Dobbs, Duell, Eames, Eldredge, Field, Foster, Frye, Garfield, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, Hays, John W. Hazelton, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamson, Lamport, Loughbridge, Lowndes, Luttrell, Maynard, Alexander S. McDill, MacDougall, Mills, Mitchell, Moore, Negley, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Pierce, Pike, James H. Platt, jr., Purman, Randall, Ransier, Rapier, Rusk, Sawyer, Scotland, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sherwood, Sloan, Sloss, Small, J. Ambler Smith, Snyder, Speer, Stanard, Starkweather, Stone, Stowell, Sypher, Todd, Townsend, Tremain, Waldron, Wells, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, William Williams, Woodford, John D. Young, and Pierce M. B. Young—109.

NAYS—Messrs. Adams, Albright, Atkins, Barber, Bell, Biery, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Stephen A. Cobb, Corwin, Cotton, Crittenden, Crouse, Crutchfield, Donnan, Dunnell, Durham, Fort, Glover, Gunckel, Hagans, Henry R. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, Hoskins, Hunter, Hutton, Hurlbut, Hyde, Lawrence, Lawson, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, McLean, Merriam, Milliken, Morrison, Neal, Nunn, Orth, Packard, Pelham, Phelps, Thomas C. Platt, Pratt, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Saylor, Henry J. Scudder, Smart, A. Herr Smith, H. Boardman Smith, Southard, Sprague, Standiford, Storm, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wallace, Wells, Jasper D. Ward, Whitehead, Whitehouse, Whitthorne, Wilber, Charles G. Williams, William B. Williams, Willie, James Wilson, Wolfe, and Woodworth—102.

NOT VOTING—Messrs. Banning, Barrere, Bass, Begole, Bright, Buckner, Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Coburn, Cox, Crocker, Curtis, Danford, DeWitt, Eden, Elliott, Farwell, Freeman, Gunter, Hamilton, Harmer, John T. Harris, Hathorn, Gerry W. Hazelton, Hendee, Hereford, Hersey, Holman, Hubbell, Jewett, Killinger, Knapp, Lamar, Lansing, Leach, Lewis, Lofland, Lowe, McKunkin, McKee, McNulta, Monroe, Morey, Myers, Neamith, Niles, Orr, Packer, Parsons, Phillips, Poland, Potter, Rainey, Rice, William R. Roberts, James C. Robinson, Milton Saylor, John G. Schumaker, Sheats, Lazarus D. Shoemaker, George L. Smith, John Q. Smith, William A. Smith, Stephens, St. John, Swann, Taylor, Charles R. Thomas, Tyner, Waddell, Marcus L. Ward, Wheeler, White, Ephraim K. Wilson, Jeremiah M. Wilson, and Wood—78.

So the amendment of Mr. DAWES to the amendment of the Senate was agreed to.

Mr. SAWYER. I move to amend by adding to the amendment just adopted the following:

And there is hereby appropriated a sum sufficient to make the compensation of the clerk of the House Committee on Commerce equal to \$2,190 per annum for the Forty-third Congress, and no longer.

Mr. G. F. HOAR. I submit that this amendment is not germane to the Senate amendment.

The SPEAKER. The Chair thinks it is.

Mr. SAWYER. As to the merits of this amendment, it is known to most members of the House that the clerk of the Committee on Commerce works very laboriously indeed.

The question being taken on agreeing to Mr. SAWYER's amendment, there were—ayes 41, noes 71; no quorum voting.

Tellers were ordered; and Mr. SAWYER and Mr. ROSS were appointed.

The House divided; and the tellers reported—ayes 81, noes 77.

Mr. BURCHARD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 111, not voting 96; as follows:

YEAS—Messrs. Albert, Archer, Barnum, Barrere, Bradley, Burrows, Roderick R. Butler, Cain, Cannon, Amos Clark, jr., Coburn, Corwin, Creamer, Duell, Dunnell, Eames, Field, Hagans, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Hays, Gerry W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hynes, Kelley, Kellogg, Kendall, Loughbridge, Lowndes, Maynard, Alexander S. McDill, MacDougall, Monroe, Negley, Nunn, O'Neill, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Perry, Purman, Randall, Ransier, Rapier, Rusk, Sawyer, Milton Saylor, Henry J. Scudder, Sener, Sessions, Sheldon, Sherwood, Sloan, J. Ambler Smith, Snyder, Stanard, Starkweather, Stowell, Strawbridge, Sypher, Thornburgh, Todd, Townsend, Tremain, Wallace, Wells, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, and Woodford—82.

NAYS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Barber, Beck, Bell, Biery, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Bundy, Burchard, Caldwell, Cessna, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Crittenden, Crooke, Crossland, Crouse, Crutchfield, Danford, Donnan, Durham, Eldredge, Fort, Frye, Giddings, Glover, Gunckel, Gunter, Hancock, Henry R. Harris, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hunter, Hutton, Hurlbut, Hyde, Kasson, Knapp, Lamar, Lawrence, Lawson, Leach, Lofland, Lowe, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, Merriam, Milliken, Mills, Morrison, Niblack, O'Brien, Orth, Hosea W. Parker, Pelham, Pike, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Shanks, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Stone, Storm, Strait, Christopher Y. Thomas, Tyner, Vance, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Averill, Banning, Barry, Bass, Begole, Berry, Bromberg, Burleigh, Benjamin F. Butler, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Cook, Cotton, Cox, Crocker, Curtis, Darrall, Davis, Dawes, DeWitt, Dobbins, Eden, Elliott, Farwell, Foster, Freeman, Garfield, Gooch, Eugene Hale, Hamilton, Harmer, John T. Harris, John W. Hazelton, Hendee, Hereford, Hersey, Holman, Hooper, Hubbell, Jewett, Killinger, Lamson, Lampert, Lansing, Lewis, Luttrell, McKunkin, McKee, McLean, McNulta, Mitchell, Moore, Morey, Myers, Neal, Nesmith, Niles, Orr, Packer, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Read, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloss, Small, George L. Smith, William A. Smith, Stephens, St. John, Swann, Taylor, Charles R. Thomas, Waddell, Waldron, Marcus L. Ward, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—96.

So the amendment of Mr. SAWYER was not agreed to.

The amendment of the Senate, as amended, was concurred in.

Mr. GARFIELD. I move to suspend the rules so that all the remaining amendments of the Senate to this bill may be non-concurred in, and a conference with the Senate be asked on the disagreeing votes of the two Houses. I make this motion in order to get the bill to a conference as speedily as possible and to save the time of the House.

Several MEMBERS. That is right.

Mr. KELLOGG. I have an amendment which I would like to refer to the committee before that is done.

Mr. BUTLER, of Massachusetts. I desire to know what the committee are going to do with civil service?

Mr. GARFIELD. We have recommended non-concurrence in the amendment on that subject.

Mr. BUTLER, of Massachusetts. Is that merely formal, and are you going to drop it?

Mr. GARFIELD. The Committee on Appropriations were overwhelmingly on that side. That is all I have to say. The gentleman cannot get anything more than non-concurrence, so far as I can see.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. GARFIELD and Mr. KELLOGG were appointed.

The House divided; and the tellers reported ayes 123, noes not counted.

So the motion was seconded.

The question then recurring on agreeing to the motion to suspend the rules, it was agreed to, two-thirds voting in favor thereof.

The SPEAKER subsequently announced the appointment of Mr. GARFIELD, Mr. HALE of Maine, and Mr. NIBLACK as the committee of conference on the part of the House.

#### TARIFF AND INTERNAL REVENUE.

Mr. DAWES. The bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, has been returned from the Senate with amendments. I move that the rules be suspended so as to non-concur in all the amendments and ask a conference with the Senate on the disagreeing votes of the two Houses. If the House will indulge me a few moments, I will make a brief explanation.

The Senate has added no item whatever to this bill; all its amendments are in the line of reduction. I should be glad if the House would concur in every one of these amendments. Any motion to that effect would take precedence of a motion to non-concur. Any gentleman who will send for the bill as printed by the Senate with the amendments of its committee will see just what the Senate has done, with a few exceptions. I will state those exceptions: On the sixth page the Senate committee proposed to strike out a proviso which has not been struck out in the Senate. They also proposed to strike out from the free list quicksilver, which has not been struck out. Every other amendment of the Senate committee has been agreed to by the Senate. At this late hour I apprehend that the best method of proceeding would be to concur in these amendments, but I am urged by gentlemen about me to make the motion I have made, which is to suspend the rules, non-concur, and ask a conference.

Mr. TREMAIN. Will the motion to concur be in order?

The SPEAKER. Not in that form. If the bill came up in regular order the question would be, of course, on concurring in the amendments. But by a suspension of the rules the negative vote of non-concurrence may be made.

Mr. STARKWEATHER. I hope we will non-concur. It strikes out the only important thing in the bill, and that is the tax on bonds &c., which by a majority of four to one was passed by this House. I hope the Committee on Ways and Means will keep it in.

Mr. SPEER. Does the gentleman propose to impose a tax on United States bonds?

Mr. SAYLER, of Ohio. I should like to ask the gentleman from Massachusetts [Mr. DAWES] whether this amendment strikes out the additional tax on hops?

Mr. DAWES. It leaves the tax on hops as under existing law.

The SPEAKER. The pending motion is to suspend the rules and non-concur in the remaining amendments of the Senate so as to send the bill to a committee of conference.

Mr. RANDALL. Is not a motion to concur the first motion in order?

The SPEAKER. It would be if we were acting under the rules, but the gentleman now moves to suspend the rules and non-concur in the remaining Senate amendments.

Mr. STARKWEATHER. I hope the Committee on Ways and

Means will permit the sense of the House to be tested in reference to the amendment taxing bonds, &c.

Mr. DAWES. That is the difficulty of the motion.

Mr. STARKWEATHER. I should like to have a vote in the House on the question of taxing bonds and stocks, &c., to see whether the New York Stock Exchange controls this House or whether this House controls the New York Stock Exchange.

Mr. DAWES. I insist on the motion to suspend the rules and non-concur in the remaining amendments of the Senate.

The motion to suspend the rules was seconded.

So (two-thirds voting in favor thereof the rules were suspended) and the remaining amendments of the Senate were non-concurred in.

Mr. GARFIELD. I move there be a committee of conference appointed on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House, HENRY L. DAWES of Massachusetts, W. D. KELLEY of Pennsylvania, and JAMES B. BECK of New York.

#### ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 1767) to change the name of the steamboat Kitty Strang;

An act (H. R. No. 3211) to change the name of the schooner Delmar;

An act (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall;

Joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. R. No. 115) for the relief of certain clerks and employes of the United States.

#### LEAVE TO PRINT.

Mr. YOUNG, of Georgia, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill (H. R. No. 3777) to abolish the southern claims commission. (See Appendix.)

#### SUSPENSION OF THE RULES.

Mr. RANDALL. Mr. Speaker, I am directed by the Committee on Rules to report the following:

The Clerk read as follows:

*Resolved*, That the one hundred and forty-fifth rule of the House be amended by striking out the word "ten" and insert in lieu thereof the word "six."

Mr. RANDALL. The Committee on Rules are unanimously in favor of this change of the rules.

Mr. DAWES. That is in reference to the suspension of the rules during the last ten days of the session.

Mr. RANDALL. The rule at present gives opportunity during the last ten days of the session to suspend the rules and pass bills. Recent events show it is too long a time, and the Committee on Rules have directed me to report this so as to confine the opportunity for suspension of the rules at the close of the session to a legislative week of six days.

Mr. GARFIELD. That ought to be done by all means.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### EVENING SESSION.

Mr. GARFIELD. I hope we will now have a recess to half past eight this evening. We can certainly get through if the House will stay to-night long enough to finish the post-office appropriation bill and the river and harbor appropriation bill.

#### STENOGRAPHERS OF COMMITTEES.

Mr. MAYNARD. I have a further report to make from the Committee on Rules.

Mr. ELDRIDGE. I do not think we should undertake to amend the rules in the closing hours of the session.

The SPEAKER. This amendment is imperatively necessary under the circumstances.

Mr. GARFIELD. I hope gentlemen will allow it to be offered; it is absolutely necessary.

The Clerk read as follows:

*Resolved*, That rule — be amended by adding, after the word "House" in the first line, the words "including stenographers of committees."

The SPEAKER. The Clerk will read the rule which it is proposed to amend. It is a rule which was adopted this session.

The Clerk read as follows:

The appointment and removal of the Official Reporters of the House shall be vested in the Speaker, and in addition to their other duties—

Mr. MAYNARD. That is sufficient. The whole rule need not be read.

The SPEAKER. The amendment is to insert after the words "Official Reporters of the House" the words "including stenographers of committees."



Mr. SPEER. That is right.

Mr. MAYNARD. I wish to say that in addition to the Official Reporters engaged in reporting our debates are two stenographers employed to report for committees. The amendment to the rules which I have offered is that the Speaker shall have the appointment and the removal of the stenographers precisely as he has the appointment and removal of the reporters of the debates.

The amendment to the rule was adopted.

Mr. MAYNARD moved to reconsider the vote by which the amendment to the rule was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I renew my motion that the House take a recess until half past eight o'clock.

The motion was agreed to.

And thereupon (at four o'clock and fifty minutes p. m.) the House took a recess until eight o'clock and thirty minutes p. m.

#### EVENING SESSION.

The recess having expired, the House resumed its session at eight o'clock and thirty minutes p. m.

#### CHANGE OF LOCATION OF NATIONAL BANK.

Mr. RANDALL. I ask unanimous consent that the bill (S. No. 930) authorizing the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name may be taken from the Speaker's table and passed.

The bill was read. It provides for the removal of the Farmers' National Bank of Greensburgh, in the county of Westmoreland, State of Pennsylvania, to the city of Pittsburgh, county of Alleghany, in said State, and for changing the name to the Fifth National Bank of Pittsburgh, Pennsylvania.

Mr. MERRIAM. Will the gentleman accept an amendment, providing that all the expenses, including those of engraving, involved in the change of location shall be borne by the bank?

Mr. RANDALL. I accept that amendment.

The amendment was agreed to.

The bill, as amended, was read three times and passed.

#### SIR LAMBTON LORRAINE.

Mr. ORTH, by unanimous consent, from the Committee on Foreign Affairs, reported adversely on the joint resolution (H. R. No. 88) tendering the thanks of Congress to Sir Lambton Lorraine, of the British navy; and the same was laid on the table, and the accompanying report ordered to be printed.

#### AMERICAN SHIP-BUILDING.

Mr. NEGLEY, by unanimous consent, from the Committee on Commerce, made a report in writing on the resolutions passed by the Legislature of Pennsylvania in favor of the building of American ships by American mechanics and out of American materials, and moved that it be printed, and recommitted to the Committee on Commerce.

The motion was agreed to.

#### E. & J. KOCH.

Mr. SYPHER. There is a bill now on the Private Calendar which was considered by the Committee on Ways and Means and unanimously reported back by that committee. I ask that it may now be put upon its passage.

The bill (S. No. 552) to refund to E. & J. Koch certain customs-duties was read. It authorizes the Secretary of the Treasury to refund to Messrs. E. & J. Koch \$2,916.65, gold, being the amount paid by them in the New Orleans customs district on an importation of machinery for the manufacture of beet-root sugar in the year 1873.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### MANAGEMENT OF POST-OFFICE DEPARTMENT.

Mr. STOWELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, presented a report in writing on the management of the Post-Office Department; which was ordered to lie on the table and be printed.

#### CHINA MAIL SERVICE.

Mr. STOWELL also gave notice that he would file a minority report on the China Mail Service.

#### CHANGE OF LOCATION OF NATIONAL BANK.

Mr. HAWLEY, of Connecticut, by unanimous consent, introduced a bill (H. R. No. 3778) changing the name and location of the Pittsfield National Bank; which was read a first and second time.

The bill provides for changing the location of the Pittsfield National Bank, New Hampshire, and changing its name to the Second National Bank of Manchester, Hillsborough County, in said State.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, informed the House that the Senate had disagreed to the report of the committee of conference on the bill (H. R. No. 3094) making appro-

priations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS to be the managers of the conference on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 3600) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked for by the House on the disagreeing votes of the two Houses, and had appointed Mr. MORRILL, of Maine, Mr. SARGENT, and Mr. STEVENSON to be the conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 3572) to amend existing customs duties and internal-revenues laws, and for other purposes, disagreed to by the House of Representatives, and had appointed Mr. THURMAN, Mr. MORRILL of Vermont, and Mr. BAYARD to be the conferees on the part of the Senate.

The message further announced that the President of the Senate *pro tempore* had appointed Mr. MORRILL of Maine and Mr. HAMILTON of Maryland members on the part of the Senate of the joint committee authorized to be appointed by the fifth section of the act for the government of the District of Columbia, and for other purposes.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company; and

The bill (H. R. No. 2892) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore.

#### COMMITTEE ON THE LIBRARY.

Mr. FRYE. I ask unanimous consent to offer the following resolution:

*Ordered*, That the Joint Committee on the Library be authorized to sit during the recess.

Mr. ELDREDGE. I object.

Subsequently Mr. ELDREDGE said: I desire to withdraw my objection to the granting of leave to the Committee on the Library to sit during the recess. I understand that they are to sit at their own expense, and merely to vote upon some propositions in regard to statuary. I had supposed that it was intended that they should sit here to carry on investigation during the summer.

Mr. FRYE. O, no; it is only proposed that they shall sit to vote upon certain propositions regarding statuary.

The resolution offered by Mr. FRYE was agreed to.

#### MAJOR J. W. NICHOLLS.

Mr. PARKER, of Missouri. I ask unanimous consent that the bill (S. No. 769) for the relief of Major J. W. Nicholls, paymaster United States Army, be put upon its passage.

The bill was read for information. It directs that there be paid to Major J. W. Nicholls, paymaster United States Army, the sum of \$4,500, erroneously charged due and paid by him in the settlement of his accounts.

Mr. SPEER. I must object unless some explanation be made.

Mr. PARKER, of Missouri. I will explain the matter. This is a Senate bill for the relief of a paymaster now in the Army and who has been a great many years in the Army. When this bill was introduced in the Senate I introduced a similar bill in the House, in the hope that the Committee on Military Affairs would have time to consider it; but the pressure of business has been such upon them that the bill has not been considered. I have talked with most of the gentlemen of that committee and stated the facts of the case to them, and I think I may say that they approve the bill. I have investigated the case myself, and many gentlemen upon the floor, especially the Tennessee delegation, are familiar with the facts in the case. It is a case where a mistake was made in the payment of money to Paymaster Nicholls of this amount which is named in the bill. I hold in my hand papers which show the facts to be as I have stated. There is no question as to the honesty and integrity of this officer. He is indorsed by nearly all the principal officers of the Army from General Meade down. The bill has unquestionably merit in it, and I think there can be no opposition to it. I call it up at the request of a sister of the claimant who is here, while Paymaster Nicholls is away upon the frontier attending to his duties. My friend from Tennessee [Mr. MAYNARD] has full knowledge of the facts in the case, and is able to corroborate what I have said.

Mr. MAYNARD. I have been acquainted with Paymaster Nichols for many years, and I take great pleasure in corroborating what has been said by the gentleman from Missouri. I will not take up time by going into the merits of the case in detail.

Mr. SPEER. I object to the bill.

#### HOT SPRINGS RESERVATION IN ARKANSAS.

Mr. MOREY. I ask unanimous consent to call up the bill (H. R. No. 608) extending the time for filing suits in the court of claims to establish title to the Hot Springs reservation in Arkansas.

Mr. SNYDER. I object to that bill.

## THOMAS HUGHES.

Mr. WILSON, of Iowa. I ask unanimous consent to report from the Committee on War Claims the bill (S. No. 875) for the relief of Thomas Hughes.

The bill was read for information. It directs the accounting officers of the proper Department to settle and pay the late Lieutenant Thomas Hughes, regimental quartermaster Twenty-eighth Iowa Volunteer Infantry, who was mustered out of the service on the 1st of June, 1865, but who actually performed service under the orders of Colonel Bonneville at Benton barracks, Saint Louis, Missouri, until the 8th of July, 1865, his full pay and perquisites for all the time that he actually served.

No objection being made, the report was received.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I ask unanimous consent that the request of the Senate be granted for a new conference upon the disagreeing votes of the two Houses on the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

No objection was made, and it was so ordered.

The SPEAKER appointed, as conferees on the part of the House, Mr. TYNER, Mr. CANNON of Illinois, and Mr. MARSHALL; the same conferees as before, except that Mr. CANNON of Illinois was appointed in the place of Mr. PACKER, who is absent.

## ORDER OF BUSINESS.

Mr. GARFIELD. I desire to make a suggestion to the House. So far as the appropriation bills are concerned, the only necessity for the House remaining here is to obtain the reports of the committees of conference on the post-office appropriation bill and the river and harbor appropriation bill and act upon them. It will take a good portion of the night to complete the work on the sundry civil appropriation bill, which is now in conference. But if we can get the post-office and the river and harbor appropriation bills through to-night, so as to send them to the enrolling clerks to be finished by the morning, we shall have for to-morrow only the report of the committee of conference on the sundry civil bill to dispose of.

Mr. ELDREDGE. What time is it expected the reports upon those bills will be here?

Mr. GARFIELD. I understand that the report on the river and harbor appropriation bill is nearly completed and will be ready probably in the course of half or three-quarters of an hour. The report of the committee of conference on the post-office bill has been rejected, and a second conference has been appointed, and it will take an hour or more for them to prepare their report.

Mr. ELDREDGE. Had we not better take a recess until about the time we may expect those reports? The gentleman from Ohio [Mr. GARFIELD] knows, as we all know, that most of the legislation transacted at this hour of the session is mischievous—legislation which absolutely should not be done.

Mr. GARFIELD. I know that. I think the report on the river and harbor bill will be here in perhaps ten or fifteen minutes.

Mr. COBB, of Kansas. There is one important bill not yet returned from the Senate, and that is the post-route bill.

Mr. GARFIELD. It will not take long to dispose of that.

The SPEAKER. The House will now resume the consideration of business upon the Speaker's table under the two-thirds rule.

## MRS. NANCY DAY.

The first business on the Speaker's table was the bill (S. No. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8151.

The bill appropriates the sum of \$792.46 to Mrs. Nancy Day, widow of the late James L. Day, of Connecticut, being the balance found due said James L. Day on the 31st day of May, 1861, the time of adjusting an account with him for transporting the mails over post-route No. 8151, which amount remains unpaid.

Mr. STARKWEATHER. I move that that bill be passed.

Mr. ELDREDGE. I think this bill should be referred to the Committee on the Post-Office and Post-Roads. [After a pause.] I will withdraw my objection. I understand the gentleman from Connecticut [Mr. STARKWEATHER] is willing to husband the bill; whether he is the claimant or not, I do not know.

No objection being made, the bill was read three times, and passed.

## HAZING AT NAVAL ACADEMY.

The next business on the Speaker's table was the bill (S. No. 849) to prevent hazing at the Naval Academy.

The bill provides that in all cases when it shall come to the knowledge of the Superintendent of the Naval Academy, at Annapolis, that any cadet midshipman or cadet engineer has been guilty of the offense commonly known as hazing, it shall be the duty of said superintendent

ent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet midshipman or cadet engineer found guilty of said offense by said court shall, upon recommendation of said court, be dismissed; and such finding, when approved by said superintendent, shall be final; and the cadet so dismissed from said Naval Academy shall be forever ineligible to reappointment to said Naval Academy.

Mr. SPEER. Does that apply to offenses committed before this time?

Mr. ARCHER. It does not. I move that the rules be suspended and the bill passed.

Mr. CLYMER. Was not a bill of this character voted down in this House some time ago?

Mr. ARCHER. It was not. I asked unanimous consent to have this bill put upon its passage and it was not given.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

## EDMUND RANDOLPH.

The next business on the Speaker's table was the bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States.

The bill provides that there shall be paid, out of any money in the Treasury not otherwise appropriated, the sum of \$12,000 to the legal representatives of the late Edmund Randolph, of California, in full satisfaction and discharge of balance of professional services rendered by him in the cases of *The United States vs. John Parrott* and others, and *Andres Castellero vs. The United States*, provided that on receipt of said sum the said legal representatives shall execute a full discharge of all claims in favor of the estate of said Randolph against the United States.

Mr. SPEER. In my judgment that bill should not pass. It appropriates \$12,000.

Mr. HOUGHTON. A similar bill has been considered by the Committee on the Judiciary of the House and reported favorably upon by them. I move that the rules be suspended and the bill passed.

Mr. KENDALL. This is not one-half the amount that should be allowed him.

Mr. LUTTRELL. Mr. Randolph reported five large volumes, some hundreds of pages in each volume, besides other services.

Mr. POLAND. A similar bill was introduced in this House and referred to the Committee on the Judiciary, by whom it was unanimously reported. It is now on the Calendar.

Mr. HOUGHTON. This amount is due under a contract made with the Government by Mr. Randolph in his life-time.

The motion to suspend the rules was seconded.

The question being on agreeing to the motion, there were—ayes 62, noes 24; no quorum voting.

Tellers were ordered, and Mr. HOUGHTON and Mr. SPEER were appointed.

Mr. LUTTRELL. This bill has been reported—

Mr. SPEER. I object to debate.

The House divided; and the tellers reported—ayes 104, noes 43.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

## NATIONAL PARK ON THE ISLAND OF MACKINAC.

The next business on the Speaker's table was the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

The bill was read, as follows:

*Be it enacted, etc.* That so much of the island of Mackinac, lying in the Straits of Mackinac, within the county of Mackinac, in the State of Michigan, as is now held by the United States under military reservation or otherwise, (excepting the Fort Mackinac and so much of the present reservation thereof as bounds it to the south of the village of Mackinac, and to the west, north, and east respectively by lines drawn north and south, east and west, at a distance from the present fort flag-staff of four hundred yards,) hereby is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a national public park or grounds, for health, comfort, and pleasure, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as herein provided, shall be considered trespassers and removed therefrom.

Sec. 2. That said public park shall be under the exclusive control of the Secretary of War, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors, for terms not exceeding ten years; all of the proceeds of said leases, and all other revenues derived from any source connected with said park, to be expended, under his direction, in the management of the same and in the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of game or fish found within said park, and against their capture or destruction for any purposes of use or profit. He also shall cause all persons trespassing upon the same, after the passage of this act, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Sec. 3. That any part of the park hereby created shall at all times be available for military purposes, either as a parade or drill-ground in time of peace, or for complete occupation in time of war or whenever war is expected, and may also be used for the erection of any public buildings or works: *Provided*, That no person shall ever claim or receive of the United States any damage on account of any future amendment or repeal of this act, or the taking of said park, or any part thereof, for public purposes or use.



During the reading of the bill,

Mr. HALE, of New York, said: Mr. Speaker, is it in order to move to suspend the rules so that the further reading of the bill be dispensed with and that it be referred to the Committee on the Public Lands? I make that motion.

The SPEAKER. The first motion in order is to put the bill on its passage upon a two-thirds vote. If that fails the Chair will put the question upon the motion of the gentleman from New York, [Mr. HALE.] The reading of the bill will be completed.

The Clerk concluded the reading of the bill.

Mr. COBURN. The Committee on Military Affairs have had this bill under consideration while it has been on the Speaker's table, and have unanimously directed me to ask that it be amended by striking out in the second section the clause from lines 8 to 16, which provides that a part of this land may be leased. We also propose to amend by adding to the bill a provision that "the United States shall not be liable for any demands connected with any improvement thereof, nor incur any expenses for such improvement, nor become committed to any future appropriation therefor."

If these amendments be made, all that will remain of the bill will be a declaration that these grounds shall be a national park under the care and protection of the military authorities, who will be authorized to control the same and to keep off trespassers.

Mr. HALE, of New York. I wish to ask by what authority the Committee on Military Affairs has had this bill under consideration since it has been upon the Speaker's table?

Mr. COBURN. We have had it under consideration informally.

Mr. HALE, of New York. I do not understand that it is within the jurisdiction of the Military Committee to take bills from the Speaker's table and report favorably upon them. I think the bill should go to the Committee on the Public Lands, and I trust the House will send it there.

Mr. COBURN. It is no new practice for committees of the House to consider informally bills upon the Speaker's table.

Mr. ELDREDGE. It is a much more important question by what right the military authority should control the public lands. I do not believe in placing the public lands under such control. I think they should be controlled by the civil authorities.

Mr. COBURN. Questions relating to the military reservations, their enlargement, diminution, or other disposition of them, have been put under the control of the military authorities.

Mr. ELDREDGE. This is not a military reservation.

Mr. COBURN. There is a military reservation there.

Mr. ELDREDGE. As I understand, this reservation is a public park.

Mr. COBURN. It is not, except in name.

Mr. SPEER. How many acres are embraced in this park?

Mr. COBURN. The exact number cannot be definitely stated; but it is something like five or six hundred acres.

Mr. SPEER. Does the gentleman suppose that his amendment will prevent parties coming to succeeding Congresses and asking appropriations to pay for the improvement of this park?

Mr. COBURN. If the gentleman had listened to the reading of the bill he would have learned that this ground is not to be given to anybody. It is merely a military reservation, of which it is now proposed to make a national park.

Mr. SPEER. What do you mean by calling it a park and then declaring that the Government shall never be liable for any expenditures for its improvement?

Mr. ELDREDGE. I would like the gentleman from Indiana [Mr. COBURN] to read that portion of the bill which appropriates this land for a military reservation. I did not gather any such intention from the bill. If it be the object to reserve this ground for military purposes without any necessity for that, then I am opposed to it.

Mr. COBURN. There is nothing in the bill contrary to the idea of a military reservation.

Mr. SPEER. This bill, as I understand, will simply commit the Government to an expenditure of thousands of dollars hereafter for the improvement of this park.

Mr. HALE, of New York. I rise to a question of order. Some time ago I moved that the rules be suspended and that this bill be referred to the Committee on the Public Lands.

Mr. SPEER. I raise the point of order that the amendment of the gentleman from Indiana [Mr. COBURN] is not in order on a motion to suspend the rules.

Mr. HALE, of New York. I ask that the question be put on my motion.

The SPEAKER. While proceeding with these bills upon the Speaker's table, it has been the habit to recognize in the first place a motion to suspend the rules and pass the pending bill. The Chair supposed the gentleman from Michigan [Mr. CONGER] was on the floor for that motion.

Mr. CONGER. I rose for that purpose; I only waited that the chairman of the Committee on Military Affairs [Mr. COBURN] might present his amendment, to which there can be no possible objection. It is in furtherance of the object of the bill. This Gibraltar of the lakes must always be kept by this Government as a military reservation against all comers. It never can be surrendered for any other purpose. It is a large, rocky elevation in the straits commanding the entrance to Lake Michigan; and the Government can never abandon it as a military reservation. The object of this bill is to dedicate this

reservation, subject to military use, to the people of the United States, thousands of whom have for a long period of years flocked there during the heats of summer from all parts of the South and Southwest.

But sometimes the military station is not kept up, the troops being away. Sometimes strangers and others trespass upon the land and destroy the beautiful groves there and mutilate the sugar loaves and other curiosities. It is necessary this should be preserved as a national park, subject to military authority. There can be no objection to dedicating it to the whole American people as a place of summer resort during the hot weather.

Mr. SPEER. Cannot the people go there now if they wish to?

Mr. CONGER. Yes; but they will be under the control of every martinet, whether he be a lieutenant or corporal, who happens to be there. Those who now go there are liable to the annoyance of being interfered with by every military officer, as every man knows of the thousands who seek that resort in the summer. It is in the interest of those who seek to go up this mountain during the summer for pleasure. We wish to do away with this martinet interference by these military officers, and to make it a place really of pleasure resort during the summer.

Mr. ELDREDGE. It seems to me there is an impropriety in turning this military reservation into a national park. The gentleman says every military martinet will interfere with every one who goes there for pleasure, and yet he puts it under military authority. He says this bill does not provide for any such thing, when the bill provides for its being a national park, and yet places it under military authority. It does that and nothing else.

Mr. CONGER. This bill makes it a national park and not a parade-ground for military martinets.

The question recurred on the motion of Mr. COBURN to suspend the rules and pass the bill with the amendment indicated.

The motion to suspend the rules was seconded.

Two-thirds not voting in favor thereof, the House refused to suspend the rules on Mr. COBURN's motion.

Mr. HALE, of New York. I now move to suspend the rules and refer the bill to the Committee on the Public Lands.

Mr. COBURN. I move to substitute for that a motion to suspend the rules and refer the bill to the Committee on Military Affairs.

Mr. HALE, of New York. I hope not, as it ought to be referred to the Committee on the Public Lands.

The SPEAKER. The question will first recur on the motion of the gentleman from New York, [Mr. HALE.]

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not referred to the Committee on the Public Lands.

The question then recurred on the motion of Mr. COBURN to suspend the rules and refer the bill to the Committee on Military Affairs.

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not referred to the Committee on Military Affairs.

The SPEAKER. The bill remains on the Speaker's table.

#### FISK UNIVERSITY.

The next business on the Speaker's table was a bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm the purchase of certain land at Fort Hamilton, New York.

The bill, which was read in its first section that the purchase by the United States, on the 21st day of August, 1865, from Russell Houston, of certain land, consisting of about three and one-fourth acres, situate in the city of Nashville, Tennessee, with the buildings thereon standing, and being the same premises described in a deed of said date from said Houston to the Chief Engineer of the Army, in trust for the United States, recorded in book 35, page 241, in the register's office of Davidson County, Tennessee, be, and the same thereby is, ratified, sanctioned, and confirmed, so that the said purchase, and the said deed thereupon executed, shall have the same legal validity and effect as if the same had been by a previous act of Congress specifically authorized.

The second section provides that the Secretary of War be, and he thereby is, authorized and directed to grant and convey to the Fisk University of Nashville, Tennessee, all the right, title, interest, and estate of the United States in and to said tract of land for educational purposes; provided that no further expense relative thereto shall be incurred by the United States; and provided further that the trustees of the said Fisk University be, and they are thereby, authorized to sell and dispose of the above-described property at their discretion and to use the proceeds elsewhere for educational purposes in connection with the said Fisk University.

The third section provides that the purchase, by order of the executive department, under an authority supposed to be conferred by the act of February 20, 1862, making appropriations for the construction, &c., of certain fortifications, &c., of certain land at Fort Hamilton, New York, consisting of about twenty-one acres, as a site for additional batteries, and conveyed to the United States by deed of Julia Delaplaine, of September 9, 1862, which said deed has been pronounced by the Attorney-General, by opinion of November 22, 1862,

to vest a good and valid title in the United States, and upon which said land the said batteries have been duly constructed, be, and the same thereby is, confirmed.

Mr. HARRISON. I hope I will be indulged a moment to say to the House that bill passed the House at the last session, having been very thoroughly examined by the Committee on the Public Lands. So far as it refers to the land at Nashville proposed to be donated to the Fisk University, it is not of great value. It is probably worth from three to five thousand dollars. It lies not far from the location selected for the Fisk University, the finest school for colored people anywhere in the United States.

The object is a very good one. This property cannot be of any service to the United States unless it is directed to be sold and the proceeds paid into the Treasury. The donation really amounts to about \$5,000. There was a question as to whether the title was vested in the United States, and this bill was introduced and has been passed by the Senate to confirm the title so far as congressional action can do it. Mr. Houston, the party from whom the purchase was made, claimed that he still had an interest in the property, as he insisted that the United States having ceased to use it for military purposes the title had reverted to him under the contract with the Secretary of War. I hope the bill will be passed.

The rules were suspended (two-thirds having voted in favor thereof) and the bill was passed.

#### ORDER OF BUSINESS.

Mr. CASON. I ask unanimous consent to call up from the Private Calendar a very meritorious bill, for the purpose of putting it upon its passage.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the House will continue the consideration of bills on the Speaker's table in their order.

#### AMERICAN FORK RAILWAY COMPANY.

The next business on the Speaker's table was the bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph.

The bill was read.

Mr. HOUGHTON. I move that the rules be suspended and that the bill be passed.

Mr. CLYMER. I hope that the bill will not be passed.

Mr. RANDALL. Will the gentleman from California [Mr. HOUGHTON] state what width of land is granted for right of way?

Mr. HOUGHTON. Two hundred feet; one hundred feet on each side of the railroad.

Mr. CLYMER. It is merely a horse-railroad.

Mr. HALE, of New York. The bill ought to go to the Committee on the Public Lands.

Mr. CLYMER. This bill has this extraordinary provision in it: that while this is a mere narrow-gauge road, the bill grants ten acres for every four miles of road for station purposes; while the rule of the Committee on the Public Lands has been to grant only ten acres for every ten miles. The bill has never been considered by our committee, and I hope it will not pass.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on the Public Lands.

The bill was referred to the Committee on the Public Lands, two-thirds voting in favor thereof.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims; in which the concurrence of the House was requested.

#### SIERRA IRON COMPANY.

The next business on the Speaker's table was the bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph.

Mr. HOUGHTON. I move that the rules be suspended and that the bill be passed.

Mr. CLYMER. I would like to state once for all, with reference to these grants of land for right of way through the public domain, that the Committee on the Public Lands have adopted certain rules with regard to the width of land to be granted for that purpose, with regard to the quantity of land to be given for stations, and with regard to crossings with other roads, so that we may have a uniform system applicable to all these bills. And if the House will pass these bills in this way without their being reported on by the Committee on the Public Lands, they will destroy the effort on the part of that committee to establish a uniform system.

Mr. HOUGHTON. This bill is in conformity with a number of bills that have already passed.

The question being taken on suspending the rules and passing the bill two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. HALE, of New York. I move that it be referred to the Committee on the Public Lands.

The bill was referred to the Committee on the Public Lands, two-thirds having voted in favor thereof.

#### EXAMINATION OF BOUNTY-LAND WARRANTS.

The next business on the Speaker's table was the bill (S. No. 763) to exempt military bounty-land warrants, and the lands obtained thereby, from sale on execution, or by virtue of any order or decree of court.

The bill was read.

Mr. KASSON. Let that bill go to the Judiciary Committee.

Mr. HURLBUT. It ought to go to the Committee on the Public Lands, and I move that it be so referred.

The bill was referred to the Committee on the Public Lands, two-thirds having voted in favor thereof.

#### DANIEL S. MERSHON, JR.

The next business on the Speaker's table was the bill (S. No. 134) for the relief of Daniel S. Mershon, jr.

The bill was read.

Mr. HAYS. This bill has been considered by the Committee on Naval Affairs, and has been agreed to by that committee both in this Congress and the last.

Mr. SPEER. No bill of this kind, appropriating so large a sum as \$46,000, should pass on the last night of the session without debate.

Mr. HAYS. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on Claims.

Mr. SMITH, of Pennsylvania. The bill ought to be referred to the Committee on War Claims.

Mr. ARCHER. The Committee on Naval Affairs have made an elaborate examination of this case, and the bill ought to go to that committee.

Mr. LAWRENCE. It properly belongs to the Committee on War Claims.

Mr. SPEER. It should go to the Committee on Claims.

The SPEAKER. The first motion was that of the gentleman from New York [Mr. HALE] that the bill should be referred to the Committee on Claims. The Chair will submit that motion.

The question being taken, the rules were suspended, (two-thirds voting in favor thereof,) and the bill was referred to the Committee on Claims.

#### THE NAVAL MONUMENT.

The next business on the Speaker's table was the bill (S. No. 711) providing for the completion and location of the naval monument.

The bill was read.

Mr. PLATT, of Virginia. I desire to add to the commissioners named in the bill for the purpose of selecting the location for this monument the Commissioner of Public Buildings and the Admiral of the Navy, and with this amendment I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The bill was referred to the Committee on Public Buildings and Grounds, two-thirds voting in favor thereof.

#### VAN R. MORGAN.

The next business on the Speaker's table was the bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

The bill was read.

Mr. HUNTON. I move that the rules be suspended and that the bill be passed.

Mr. G. F. HOAR. I desire to make a parliamentary inquiry. Can that bill be amended by adding to it the civil-rights bill?

The SPEAKER. The Chair, in pursuance of the order under which the House is acting, must first recognize the gentleman from Virginia, [Mr. HUNTON,] who moves to put the bill on its passage.

The question being taken on suspending the rules and passing the bill, there were ayes 96, noes not counted.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

#### JOHN JULIUS GUTHERIE.

The next business on the Speaker's table was the bill (S. No. 3252) to remove the disabilities of John Julius Guthrie.

The bill was read.

Mr. RAINEY. I object to that bill being passed.

Mr. PLATT, of Virginia. I move that the rules be suspended and that the bill be passed.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.



## C. L. STEVENSON.

The next business on the Speaker's table was the bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities.

Mr. SENER. I move that the rules be suspended and the bill be passed.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

## UNITED STATES DISTRICT COURTS IN LOUISIANA.

The next business on the Speaker's table was the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana.

Mr. WARD, of Illinois. It is not necessary to read that bill. I move that the rules be suspended and that the bill be referred to the Committee on the Judiciary.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was referred to the Committee on the Judiciary.

## CLERKS OF UNITED STATES COURTS.

The next business on the Speaker's table was the bill (S. No. 752) to compel the performance of certain duties by clerks of courts of the United States.

The first section of the bill provides that if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the Department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case to remove such clerk so offending from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And such judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court, the circuit judge shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

The second section provides that if any clerk or other officer of the United States mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a precedent to the removal from office provided for in section 1.

Mr. MAYNARD. It seems to me that this bill ought not to pass. The clerks of the United States courts are created by judicial authority; they are a part of the judiciary, and I think a provision allowing the Chief Executive of the nation to interpose in certain cases and give to him the power of removal is wrong, because that power should remain with the appointing power; that is to say, the courts. I trust, therefore, that this bill will be referred to the Judiciary Committee where it can be amended.

Mr. SENER. Mr. Speaker, there is great need for the passage of just such a bill as this. The appointing power is in the courts, as the gentleman says, and Judge Busted, of Alabama, appointed his corrupt son-in-law to this office and he defrauded the Government to the extent of \$12,000, and that clerk was not until very recently removed.

Mr. MAYNARD. That is a very good reason why the judge should be impeached, and if the gentleman knows the fact which he states, it is a reason why he should prepare articles of impeachment.

Mr. SPEER. The Attorney-General in his annual report complained of the defect in the law in regard to the appointment of these clerks.

Mr. SENER. The House virtually passed a bill like this, and they did it at the request of the Attorney-General.

Mr. MAYNARD. I have no doubt the Attorney-General would be glad to run the courts of the United States, and perhaps the President would.

Mr. HALE, of New York. I hope the bill will be referred to the Committee on the Judiciary.

Mr. SENER. I insist on my motion that the rules be suspended and the bill passed.

The question was taken on Mr. SENER's motion; and, on a division, there were ayes 14, noes not counted.

So (two-thirds not voting in favor thereof) the bill was not passed.

Mr. MAYNARD. I move that the rules be suspended and that the bill be referred to the Committee on the Judiciary.

The question was taken, and (two-thirds voting in favor thereof) the rules were suspended and the motion was agreed to.

## OXYGEN GAS COMPANY OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 856) to incorporate the Oxygen Gas Company of the District of Columbia.

Mr. SESSIONS. I move that the rules be suspended and that that bill be referred to the Committee on Public Buildings and Grounds.

Mr. BUNDY. I hope the bill will pass, and I move that the rules be suspended for that purpose.

Mr. RANDALL. It seems to me that it ought to be examined by some committee of the House.

The bill was read.

Mr. SESSIONS. I hope this bill will be referred to the Committee on Public Buildings and Grounds.

Mr. MAYNARD. This bill is in opposition to a monopoly, and it ought to pass.

Mr. O'NEILL. I move that it be laid upon the table.

Mr. RANDALL. Has any committee of the House examined the bill? I think it should be referred to the Committee on the District of Columbia.

Mr. BUTLER, of Tennessee. Is it not in order to refer the bill?

The SPEAKER *pro tempore*. There is a motion pending to suspend the rules and pass the bill, which takes precedence.

The question was put on seconding the motion of Mr. BUNDY to suspend the rules and pass the bill; and on a division, there were—ayes 50, noes 60; no quorum voting.

Tellers were ordered; and Mr. BUNDY and Mr. SESSIONS were appointed.

The House divided; and the tellers reported—ayes 69, noes 79.

So the motion to suspend the rules and pass the bill was not seconded.

Mr. HALE, of New York. I move to suspend the rules and refer the bill to the Committee on the District of Columbia.

Mr. BUNDY. I hope the bill will remain on the Speaker's table.

Mr. PELHAM. I moved to refer the bill to the Committee on Public Buildings and Grounds, and I now withdraw that motion.

The SPEAKER *pro tempore*. It was the gentleman from New York [Mr. SESSIONS] who made the motion.

Mr. SESSIONS. I now move that the rules be suspended and the bill be referred to the Committee on the District of Columbia.

Mr. BUNDY. I object to that.

The question was put on seconding Mr. SESSIONS's motion to suspend the rules; and on a division there were—ayes 74, noes 15; no quorum voting.

Tellers were ordered; and Mr. CESSNA and Mr. SESSIONS were appointed.

Mr. CESSNA. I desire to inquire if this is a Senate bill?

The SPEAKER *pro tempore*. It is.

Mr. CESSNA. If the motion to refer is voted down, will the bill remain upon the Speaker's table?

The SPEAKER *pro tempore*. It will.

Mr. CESSNA. I hope the House will then refuse to refer.

Mr. O'NEILL. I hope the House will refer the bill and get it out of the way.

Mr. SESSIONS. I withdraw the motion to refer.

The SPEAKER *pro tempore*. The motion to refer being withdrawn the bill will remain upon the Speaker's table.

## BILLS REFERRED.

The following bills were taken from the Speaker's table, and under a suspension of the rules (two-thirds voting in favor thereof) referred to the Committee on Military Affairs:

A bill (S. No. 323) for the relief of Charles W. Biese, late second lieutenant of the Eighty-second Regiment Illinois Volunteers;

A bill (S. No. 344) for the relief of William Bowlin;

A bill (S. No. 324) for the relief of M. von Entress Fuerstenck, late second lieutenant of the Sixty-eighth New York Volunteers; and

A bill (S. No. 345) for the relief of Alvis Smith.

## JOHN SHELTON.

The next business on the Speaker's table was the bill (S. No. 436) for the relief of Lieutenant John Shelton.

The bill directs the Paymaster-General to pay to John Shelton, late lieutenant Company E, Second North Carolina Mounted Infantry, out of any money appropriated for the pay of the Army, the full pay and allowance of a first lieutenant of infantry from the 1st day of September, 1863, to August 16, 1865, less the pay he received as a private in said company.

Mr. VANCE. I move that the rules be suspended and this bill passed.

Mr. GUNCKEL. I move that it be referred to the Committee on Military Affairs.

The SPEAKER *pro tempore*. The question is first upon the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 23, noes 30; no quorum voting.

Tellers were ordered; and Mr. VANCE and Mr. HURLBUT were appointed.

Mr. VANCE. I have the report of the Senate committee here, and it can be read if desired.

The SPEAKER *pro tempore*. No debate is in order.

The House divided; but before the tellers reported the result of the vote,

Mr. HURLBUT, (one of the tellers) said: I withdraw the demand for any further count.

So the motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

## ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company;

An act (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be commodore;

An act (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; and

An act (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia.

## ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now take a recess until eleven o'clock.

Mr. FIELD. I hope not.

Mr. MAYNARD. What is the hour of final adjournment?

The SPEAKER *pro tempore*. No hour is fixed by the order of the two Houses.

Mr. KELLEY. I call for the yeas and nays on the motion for a recess.

The yeas and nays were not ordered, there being only 6 in the affirmative.

The question was taken on the motion for a recess; and upon a division there were—ayes 78, noes 30.

Before the result of this vote was announced,

Mr. PARKER, of Missouri, called for tellers.

Tellers were not ordered, there being 15 in the affirmative, not one-fifth of a quorum.

So the motion was agreed to; and accordingly (at ten o'clock and forty minutes p. m.) the House took a recess until eleven o'clock p. m.

## AFTER THE RECESS.

The recess having expired, the House reassembled at eleven o'clock p. m., Mr. WHEELER in the chair as Speaker *pro tempore*.

## ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce a bill for the relief of political disabilities.

The SPEAKER *pro tempore*. The Chair does not feel at liberty to entertain that proposition, as the House is engaged in carrying out a previous order, the consideration of business on the Speaker's table, under a suspension of the rules.

Mr. BUTLER, of Massachusetts. I move to suspend the rules for the purpose of passing this bill.

Mr. ELDREDGE. I move that the House take a recess until nine o'clock to-morrow morning.

Mr. BUTLER, of Massachusetts. Why is not my motion in order to suspend the rules?

The SPEAKER *pro tempore*. The House is acting now under a suspension of the rules.

Mr. ELDREDGE. I understand that the post-office and the river and harbor appropriation bills will not be here to-night, and I insist upon my motion for a recess until nine o'clock to-morrow morning.

The motion for a recess was not agreed to.

## WILLIAM M. KIMBALL.

The House proceeded to the consideration of business on the Speaker's table; and the next bill was Senate bill No. 455, for the relief of William M. Kimball.

Mr. O'BRIEN. I move that the rules be suspended and this bill referred to the Committee on Military Affairs.

The motion was agreed to, (two-thirds voting in favor thereof;) and the bill was accordingly referred.

## ORDER OF BUSINESS.

Mr. BURCHARD. I move that the House take a recess until twelve o'clock p. m.

Mr. CESSNA. I hope that the gentleman will yield to allow me to report a joint resolution from the Judiciary Committee.

Mr. BURCHARD. I cannot yield.

The question being taken on the motion of Mr. BURCHARD, there were—on a division, ayes 72, noes, 30.

Mr. ELDREDGE called for tellers.

Tellers were ordered; and Mr. ELDREDGE and Mr. BURCHARD were appointed.

The House divided; but before the tellers had reported,

Mr. BURCHARD said: I withdraw my motion for the present.

## ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8151;

An act (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

An act (S. No. 552) to refund to E. and J. Koch certain customs duties;

An act (S. No. 849) to prevent hazing at the Naval Academy; and

An act (S. No. 875) for the relief of Thomas Hughes.

## ORDER OF BUSINESS.

Mr. ELDREDGE. I move that the House take a recess till nine o'clock to-morrow morning.

Mr. FIELD. Make it seven.

The question being taken on the motion of Mr. ELDREDGE, there were—ayes 35, noes 42; no quorum voting.

Tellers were ordered; and Mr. ELDREDGE and Mr. ELLIS H. ROBERTS were appointed.

Mr. SPEER. May I ask the Chair when Congress will be compelled to adjourn under the resolution already passed, if no further action be taken on that subject?

The SPEAKER. Unless some arrangement be made for a prolongation of the session, Congress will be compelled to adjourn at eleven o'clock to-morrow.

Mr. SPEER. Then I think we ought not to take a recess until to-morrow morning.

Mr. ELDREDGE. The important bills that are to come over from the Senate will not be here to-night; and we may just as well take a recess till nine o'clock in the morning as to stay here.

Mr. MOREY. I am informed that if we should adjourn *sine die* at eleven o'clock to-morrow morning, it will be impossible to have all the important bills enrolled by that time.

Mr. MAYNARD. If we meet to-morrow morning at nine o'clock it will be very easy to extend the session for a few hours; and that will be much better than staying here to-night at this late hour and trying to legislate.

Mr. KASSON. In view of the fact stated by the gentleman from Louisiana [Mr. MOREY] that the enrolling of the important bills cannot be completed in time if we should adjourn *sine die* at eleven o'clock to-morrow, and in view also of the fact that we cannot act to-night on the important bills yet pending unless we remain here very late, I move the following concurrent resolution:

*Resolved by the House of Representatives, (the Senate concurring,) That the two Houses of Congress shall be adjourned sine die at three o'clock p. m., June 23.*

Mr. SPEER and others. O, no!

Mr. SENER. What is the regular order?

The SPEAKER. The regular order is the count by tellers on the motion of the gentleman from Wisconsin [Mr. ELDREDGE] for a recess till nine o'clock to-morrow morning.

Mr. SENER. Then I call for the regular order. I believe that is my right as a member.

The SPEAKER. The Chair is waiting to see whether some accommodation can be reached.

Mr. ALBRIGHT. Why can we not go on now with the consideration of business on the Speaker's table?

Mr. GARFIELD. I hope that the House will not take a recess until to-morrow morning, before the conference report on the post-office appropriation bill has been acted on.

The SPEAKER. Can the chairman of the Committee on Appropriations give any statement as to how the bills which are in conference stand?

Mr. GARFIELD. The conference on the sundry civil appropriation bill is two-thirds completed; but we cannot get through that to-night; and unless the other conference reports—those on the river and harbor bill and the post-office bill—can be disposed of to-night, the business of enrollment will be crowded so much that I do not believe we shall be able to adjourn *sine die* by eleven o'clock to-morrow.

The SPEAKER. The Chair does not hesitate to say that he has no idea that the two Houses can adjourn *sine die* at eleven o'clock to-morrow.

Mr. KASSON. I ask the chairman of the Committee on Appropriations why it would not be better to fix three, four, or five o'clock to-morrow afternoon for the adjournment *sine die*, and then commence business to-morrow morning at nine o'clock, and proceed with it regularly so as to allow the clerks to finish up the work properly?

Mr. WILLARD, of Vermont. Has the chairman of the Committee on Appropriations any idea when the reports on the appropriation bills still pending will get here from the Senate?

The SPEAKER. The Chair observes that the gentleman from Indiana, [Mr. TYNER,] chairman of the conference committee on the post-office appropriation bill, is now in the Hall. He can doubtless state the condition of business on that bill.

Mr. TYNER. The conference committee on the post-office appropriation bill has agreed on its report; but it will probably take an hour to draft the report to be presented to the Senate. After the Senate shall have acted on the report it will of course come to the House for its action; but I may say in this connection that probably the report will provoke very considerable debate in the Senate, and it is impossible to indicate at what time it will be disposed of there.

Mr. GARFIELD. I ask the gentleman from Missouri, [Mr. WELLS,] who is upon the conference committee on the river and harbor bill, to state whether the committee on that subject has yet agreed?

Mr. WELLS. The committee has agreed on its report.

The SPEAKER. The Chair understands that the Senate is now engaged in considering the conference report upon the Geneva award.



Mr. MAYNARD. Mr. Speaker, how many conference committees are there now out?

The SPEAKER. The conference committee on the post-office appropriation bill, on the river and harbor bill, on the sundry civil appropriation bill, and on the tariff bill. The report on the Geneva award, which has been agreed to in the House, is still pending in the Senate.

Mr. MAYNARD. All these conference reports must be considered first in the Senate under the rule before they get to the House.

Mr. COBURN. I hope we will now take a recess for an hour.

The SPEAKER. If the Chair be allowed to make a suggestion, and it is his duty to do so at this time, it will be obviously impossible in the present condition of the public business, without much hurry, for the House to adjourn at eleven o'clock to-morrow morning; and therefore a later hour, I hope, will be suggested to the Senate, to see if some arrangement cannot be made between the two Houses in that regard.

Mr. CESSNA. I rise to make a parliamentary inquiry. Suppose the House should extend the session until to-morrow at three o'clock in the afternoon, and the Senate should not agree to that concurrent resolution on the part of the House, what then would be the condition of affairs?

The SPEAKER. The two Houses would be compelled to adjourn at eleven o'clock a. m. to-morrow if no further action be taken by the two Houses extending the hour of adjournment. If the two Houses do adjourn at eleven o'clock to-morrow morning some of the bills will be lost.

Mr. CESSNA. But suppose the House take a recess from now until seven o'clock to-morrow morning?

The SPEAKER. The House would then sit here two hours without a quorum.

Mr. CESSNA. If the two Houses should agree to extend the session to three o'clock to-morrow and the House should they move to take a recess until ten o'clock to-morrow morning, does the Chair think we could accomplish the public business without further difficulty?

The SPEAKER. The Chair thinks under that arrangement the public business could be done. The four conference reports now due must be first reported in the Senate. Under the parliamentary law they must all be considered first in the Senate before they come to the House for its action.

Mr. CESSNA. Then I make that motion.

The SPEAKER. The question now pending is on the motion of the gentleman from Iowa, [Mr. KASSON,] that a concurrent resolution be passed by the House and sent to the Senate that the President of the Senate and the Speaker of the House adjourn their respective Houses on Tuesday, 23d of June, at three o'clock p. m.

Mr. KASSON. At the suggestion of gentlemen about me I will make it four o'clock.

Mr. GARFIELD. I believe if the House adjourns until seven o'clock in the morning we can get through with the business by the hour of eleven o'clock for final adjournment.

The SPEAKER. The Chair suggests if that course be taken the public business will then be done with extraordinary haste, and so far as the Chair can see without any compensation for the risks involved.

Mr. GARFIELD. I am willing to agree to an extension of the session until three o'clock to-morrow afternoon.

The SPEAKER. The Chair will put it in that form, that the President of the Senate and the Speaker of the House shall adjourn their respective Houses on Tuesday, June 23, at four o'clock p. m.

Mr. BUTLER, of Massachusetts. Before we agree to anything of the kind I wish to ask a question of the chairman of the Committee on Appropriations, whether there will be any attempt to revive the civil service?

Mr. GARFIELD. The committee of conference have not reached that portion of the bill.

Mr. BUTLER, of Massachusetts. That will take some time.

Mr. ELDREDGE. If we are to act on any proposition I should like to know what is going on on the republican side of the House, for we cannot hear on this side what is going on.

Mr. SPEER. I move that the House take a recess for half an hour.

The SPEAKER. The pending question is more highly privileged. As the motion has been amended it now is that a concurrent resolution be passed by the House to the effect that the two Houses shall adjourn *sine die* on Tuesday, June 23, at four o'clock p. m.

The concurrent resolution was adopted.

Mr. KASSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PARKER, of Missouri. I now move to take a recess until nine o'clock to-morrow morning.

Mr. GARFIELD. I think we had better wait until we hear from the Senate in reference to this concurrent resolution.

Mr. ELDREDGE. I move to take a recess for half an hour.

The motion was agreed to.

And then (at eleven o'clock and twenty minutes) the House took a recess until ten minutes to twelve o'clock m.

#### AFTER THE RECESS.

At ten minutes to twelve o'clock m. the House resumed its session. Mr. RANDALL. I move to take a recess until nine o'clock to-morrow morning.

Mr. Speaker, has the Speaker any information that the concurrent resolution adopted by the House has been concurred in by the Senate?

The SPEAKER. The House has not been officially notified of the fact, but the Chair understands that the concurrent resolution has been adopted by the Senate.

Mr. BECK. I hope we will not take a recess, as we will soon receive the report of the committee of conference on the tariff bill.

Mr. RANDALL. I withdraw my motion.

#### JOHN R. POLK.

The next business on the Speaker's table was the bill (S. No. 476) for the relief of John R. Polk.

Mr. WILLARD, of Vermont. I move that bill be referred to the Committee on Military Affairs.

The motion was agreed to.

#### MRS. LOUISA JACKMAN AND MRS. MARTHA VAUGHN.

The next business on the Speaker's table was the bill (S. No. 502) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn.

The bill was read.

Mr. DURHAM. I move that the bill be put on its passage.

Mr. WILLARD, of Vermont. That should be referred to the Committee on War Claims.

Mr. DURHAM. It has been thoroughly investigated in the Senate, and I insist on my motion that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative and the rules were not suspended.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on War Claims.

The bill was referred to the Committee on War Claims, two-thirds voting in favor thereof.

#### WILLIS N. ARNOLD.

The next business on the Speaker's table was the bill (S. No. 574) for the relief of Willis N. Arnold.

The bill was read.

Mr. ATKINS. I move that the bill be referred to the Committee on War Claims.

The bill was referred to the Committee on War Claims, two-thirds voting in favor thereof.

#### WRECK OF THE BARK TORRENT.

The next business on the Speaker's table was the bill (S. No. 704) for the relief of the non-commissioned officers and men of the United States Army who were sufferers by the wreck of the bark Torrent.

The bill was read.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Military Affairs.

Mr. SPEER. The bill ought to be referred to a committee by all means. It specifies no sum.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

#### REPRESENTATIVES OF GEORGE SCHWARTZ.

The next business on the Speaker's table was the bill (S. No. 718) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteers.

The bill was read.

Mr. HAZELTON, of Wisconsin. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. COBURN. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

#### FORT BRADY MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes.

The bill was read.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee?

Mr. HUBBELL. It has been considered fully in the Senate.

Mr. WILLARD, of Vermont. Has it been considered by any committee of the House?

Mr. HUBBELL. It has not been considered by any committee of the House, but it is all right. I know it is. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the

bill, two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. ELLIS H. ROBERTS. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

ALEXANDER MINOR.

The next business on the Speaker's table was the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia.

The bill was read.

Mr. WILLARD, of Vermont. That bill should go to the Committee on Military Affairs.

Mr. LOWNDES. I move that the rules be suspended and that it be put upon its passage.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote affirmatively, and the rules were not suspended.

Mr. WILLARD, of Vermont. I now move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

DANIEL H. KELLY.

The next business on the Speaker's table was the bill (S. No. 841) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry.

The bill was read.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

MAJOR J. W. NICHOLLS.

The next business on the Speaker's table was the bill (S. No. 769) for the relief of Major J. W. Nicholls, paymaster United States Army.

The bill was read.

Mr. BANNING. I move that the rules be suspended and that the bill be passed.

Mr. SPEER. I objected to that bill two or three hours ago, but I have been assured by the gentleman from Ohio [Mr. BANNING] and the gentleman from Tennessee [Mr. MAYNARD] that the bill is right. They so stated to me on their own personal knowledge, and I withdraw my objection.

Mr. ELLIS H. ROBERTS. Has the bill been before a House committee?

Mr. PARKER, of Missouri. When this bill was introduced into the Senate I introduced a similar bill in the House and it went to the Committee on Military Affairs. The majority of the committee approved the bill, although they have not formally reported it.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

The bill remained on the Speaker's table.

Mr. ELDREDGE. I renew my motion to take a recess, and will make the hour ten o'clock instead of nine.

E. C. GILLEWATERS.

Mr. LAMAR, by unanimous consent, introduced a bill (H. R. No. 3779) for the relief of E. C. Gilgewater, one of the sureties of A. W. Patterson, late United States marshal for the northern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. MORRISON. I ask leave to have passed a bill for the removal of the political disabilities of Marcellus P. Christian, of Lynchburgh, Virginia.

Mr. RANSIER. I object.

Mr. MORRISON. I move that the rules be suspended and the bill passed.

The SPEAKER. That cannot be done.

Mr. CONGER. I desire to make some reports from the Committee on Commerce.

Loud cries of "Regular order."

Mr. ELDREDGE. I now insist on my motion for a recess.

Mr. DAWES. I hope the gentleman will withdraw that motion for a few moments that we may receive the report of the committee of conference on the tariff bill.

The SPEAKER. Has the gentleman from Massachusetts any information as to the position of that bill?

Mr. DAWES. The report of the committee of conference was agreed to in the other branch of Congress half an hour ago.

The SPEAKER. Then what detains it?

Mr. DAWES. I really do not know.

Mr. ELDREDGE. That bill can easily be engrossed in the morning, and our remaining in session to-night will not facilitate matters at all.

Mr. HAZELTON, of Wisconsin. The House is too thin to act on a measure of that importance to night, and I hope that the motion of the gentleman from Wisconsin will be agreed to.

Mr. O'NEILL. I hope we shall not take a recess. Another committee of conference will soon be ready to report.

The SPEAKER. What committee is that?

Mr. O'NEILL. The committee of conference on the bill regulating gas-works.

The question was on the motion of Mr. ELDREDGE, that the House take a recess.

Mr. ELDREDGE. I observe that the Clerk of the Senate is here with a message, and I withdraw my motion for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 930) to authorize the Farmers' National Bank at Greensburgh, Pennsylvania, to change its location and name.

The message further announced that the Senate had agreed to the concurrent resolution of the House providing for the printing of the reports of the United States commissioners to the Vienna exposition, under the direction of the Secretary of State.

The message further announced that the Senate had agreed to the concurrent resolution of the House providing that the present session of the Forty-third Congress be extended until four o'clock p. m., Tuesday, June 23.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty of Washington of May 8, 1871.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

TARIFF AND INTERNAL-REVENUE LAWS.

Mr. DAWES. I submit the report, which I send to the Clerk's desk, from the committee of conference upon the tariff bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 36; and agree to the same.

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out, the words: "Provided also, That there shall be an allowance of 5 per cent., and no more, on all effervescing wines, liquors, cordials, and distilled spirits, in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23," (the number of the section,) proposed to be inserted, insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24," (the number of the section,) proposed to be inserted, insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25," (the number of the section,) proposed to be inserted, insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned," the word "empty" be inserted.

H. L. DAWES.

WM. D. KELLEY.

Managers on the part of the House.

JOHN SHERMAN.

JUSTIN S. MORRILL.

T. F. BAYARD.

Managers on the part of the Senate.

Mr. HARRISON. I wish to inquire of the chairman of the committee [Mr. DAWES] whether the amendment of the Senate in relation to giving producers of tobacco the privilege of selling \$100 worth annually on the premises has been agreed to?

Mr. DAWES. I will state to the House the nature of the report on which we have agreed. As I said when the conference committee was appointed, all the Senate amendments were reductions; no new article was put into the bill by the Senate; whatever changes that body has made were reductions of the rates fixed by the House.

There were two points upon which I regret to say the House conferees were compelled to yield to the Senate. One was the point just alluded to by the gentleman from Tennessee, [Mr. HARRISON.] We were obliged to assent to striking out the provision inserted by the House to permit the sale of \$100 worth of tobacco annually upon the premises where it is grown. The other is the advance of five cents a pound upon hops. I will state the reasons why the committee were compelled to yield.

Upon the question of tobacco the House committee were met by a unanimous committee on the part of the other branch, and by the Commissioner of Internal Revenue, enforcing upon them the argument that while there might be some hardship in denying to a small producer of tobacco the privilege of selling it upon the premises without a license, still it would, in the opinion of the Commissioner



of Internal Revenue and of the conferees from the other branch, break down the entire system. That was the argument, as it has been the argument of the Executive Department of the Government for many years. This question was raised in the last Congress, and this identical provision was at that time adopted by the House, and when it went to the Senate the same arguments from the Commissioner of Internal Revenue and those employed under him to collect the tax had precisely the same effect as has been had in this case. The provision was struck out. We were compelled in a more general revision of the tariff, at the last session, to yield that point as we have been compelled to yield it to-day or lose this tariff bill.

Upon the question of hops the committee of the House presented to the Senate committee the fact of the vote of this House; and we were met by the information that the Senate upon a yea and nay vote, after discussion, had by a very strong majority stricken out that item of the bill. The conference came pretty near being broken up on this point. The committee on the part of the House only yielded at the last moment to avoid an entire breaking up of the conference.

The conference committee has agreed to the duty upon still wines as it was fixed by the Committee on Ways and Means when the bill was brought into this House—40 cents a gallon.

Mr. ELDREDGE. I would like to know whether the gentleman from Massachusetts [Mr. DAWES] cannot shorten up his speech on this subject. He always talks the same length of time. Why can he not shorten up?

Mr. DAWES. Mr. Speaker, if I met with the same discouragements in every quarter in making men understand intelligible language that I do in the quarter from which this interruption comes, I should have stopped long ago.

Mr. ELDREDGE. The gentleman has talked the same thing over until we are tired of it.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] is grossly out of order.

Mr. ELDREDGE. Well, the Speaker sometimes gets out of order.

The SPEAKER. The gentleman from Wisconsin was entirely without justification in rudely assailing the gentleman occupying the floor.

Mr. ELDREDGE. I have not rudely assailed the gentleman.

The SPEAKER. The course of the gentleman from Wisconsin was undoubtedly beyond all limits of parliamentary propriety.

Mr. ELDREDGE. It does not become the Speaker to say that to me.

The SPEAKER. The gentleman from Wisconsin has transcended the limits of propriety in a gross manner by his interruptions of the chairman of the Committee on Ways and Means.

[Mr. ELDREDGE addressed the Chair, but his voice was drowned by the rapping of the Speaker's gavel.]

Mr. ELDREDGE. The Speaker cannot rap me down with his gavel.

Mr. DAWES. I will be as brief as I can be.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] is entitled to speak for the length of time that the rules allow; and the Chair will protect him in that right.

Mr. DAWES. There was another section of the bill which was added to it upon the motion of the gentleman from Connecticut, [Mr. STARKWEATHER,] providing for taxing sales of gold, bonds, &c., at the brokers' boards. I apprehended at the time it was offered that it would be found entirely impracticable in the short time allowed to us to perfect the machinery by which that tax could be collected.

Mr. STARKWEATHER. The Commissioner of Internal Revenue himself, on consultation with some of the best men in the country and after months of deliberation, perfected a bill and submitted it to the Senate Committee on Finance. He said to them, and he authorized me to say to the gentlemen of the Ways and Means Committee, as I have done, that he could execute that law, and could collect under it \$12,000,000 annually without any considerable additional force; that under the bill which he had perfected he could collect this tax just as well as he could collect the whisky tax or the tobacco tax. This is what he testified before the Finance Committee of the Senate.

Mr. DAWES. What the gentleman says is very proper to be submitted to the House, but I think it would have kept till it was his turn to speak.

Mr. STARKWEATHER. I do not always have a "turn to speak" when the gentleman has the floor or afterward.

Mr. DAWES. I do not mean any discourtesy; only I was obliged to stop my own speech to allow the gentleman from Connecticut to make his.

Mr. STARKWEATHER. I wanted you to have all the information you desired.

Mr. DAWES. Mr. Speaker, I was remarking that I apprehended there would be some difficulty in perfecting the machinery for the collection of this tax. The committee on the part of the Senate and the Senate itself were unwilling to take up that question of the proper method of collecting the tax. They agreed with the House and with the committee on the part of the House that it was a very desirable subject of taxation so far as the sales were the fictitious and gambling sales of the stock market, and not real sales of gold for the purpose of paying duties. But they were unable to apply themselves, or at least did not apply themselves, to devising the machinery. The committee on the part of the House called their attention to a bill to

which the gentleman from Connecticut has alluded in advance of what I was going to say about it. We called their attention to the method proposed by the gentleman. We were met by the answer that in the last hours of this session to adopt an entirely new, untried, and uncertain experiment upon so large a matter of taxation as that suggested by the gentleman from Connecticut was hazardous, and that it would be better to postpone the subject till the next session of Congress. I will say, as I think it is proper to say, that it is the intention of the committees of both branches before the meeting of the next Congress to prepare themselves, with the assistance of the Treasury Department, to present very early in the next session—on the very first day if possible—a more mature and comprehensive bill upon this subject. Of course no one can tell to what extent it will embrace particular subjects either of internal taxation or of customs duties; but they do not intend, if this bill be adopted, to leave it as the whole work of the Forty-third Congress upon the subject of the tariff. They intend to carry it on with the help of such efforts as may be made during the recess by the two committees. The committee on the part of the Senate, it may be proper for me to say, have already received formally official communications upon the subject from the official authorities most interested in the operation of this law.

Therefore I have to ask the House to adopt this bill for what there is in it; not to vote it down for what there is not in it. I say to the gentlemen interested in the tobacco question and the gentlemen interested in the hop question that this contains no hostile legislation to those interests. If this is voted down, that will not help those interests. They will be left exactly where they are now if it is voted up. But it is hardly fair to what is in the bill, if it is of any value, to vote that down because we have failed to get into this bill provisions which we think ought to be in it.

This report is not here in the shape it is from any disposition on my part to give up those questions or to have given them up to-day, if it be proper for me to say so much. I ask the gentlemen who feel disposed to take hostile action against this bill to remember that their action would be directed against matters which are in no way connected with what are left out of the bill, and for which the Committee on Ways and Means of the House of Representatives are in no way responsible.

The Committee on Ways and Means have endeavored to put certain measures in this bill which they are now obliged to leave out of it. They have not put into it anything hostile to those measures, and what is in the bill, as I stated to the House in the early part of the consideration of this measure, will add about two and a half millions to the revenue without endangering any other interest, although we have not got those interests into the bill as we had hoped. It is confidently believed by those who know more about it than the Committee on Ways and Means, and the Committee on Ways and Means concur in that view, that by the passage of this bill and the changes in regard to silk, bank-checks, and wine, at least two and a half millions will be added to the revenue. And I now submit this report as all that can be obtained at this session to the judgment of the House and to the favorable judgment of those very gentlemen who feel as if they ought to have had in this bill what they have failed to get. I say to them that it is impossible for them to get at this session by voting down this measure those provisions of law which they desire. They will by voting this down leave those provisions just where they will be left by passing the bill. On the other hand, by passing it they will add to the revenue what I have stated. I call the previous question.

Mr. BECK rose.

Mr. MAYNARD. I do not understand from the gentleman from Massachusetts whether we gain anything by the action of the conference committee or whether we give up all.

Mr. DAWES. I have agreed to yield to my colleague on the committee, the gentleman from Kentucky, [Mr. BECK.] How much time does he desire?

Mr. BECK. Not more than ten minutes. Probably I will not occupy more than five minutes.

Mr. DAWES. I yield to the gentleman ten minutes. But before he proceeds I wish to announce to the House, with a due share of cheerfulness, that jute-butts are in the bill at six dollars a ton. I did all I could to get them out of the bill. The only thing in which that part of the country which I have the honor to represent was distinctly interested was to keep jute-butts free. But I have laid jute-butts on the altar of my country, and I hope that those gentlemen who feel hostile to the action of the committee will follow my example.

Mr. SAYLER, of Indiana. The sacrifice is worthy of the gentleman and his cause.

Mr. BECK. I suppose the last remarks of the gentleman from Massachusetts [Mr. DAWES] were directed to me with the idea, doubtless, that I ought to vote for the bill because jute-butts are taken from the free list and my people are supposed to desire protection on hemp. I hope the bill will be defeated. Jute-butts will then be free as heretofore. I do not regard them as competing with hemp in any way. The flax-men may attend to them if they choose. I have declined to sign this report for various reasons. The first is that by the provision of the bill in the first section of it the duty is raised on all mixed silk goods from 50 to 60 per cent. The pretense was set up before our committee that there were fraudulent importations of silk

goods that had a strand or two of cotton in them that came in under the general provision imposing an *ad valorem* duty of 50 per cent. on that class of goods. We endeavored to correct certain rulings of the department in that regard. When the bill went to the Senate, the words "*in value*" were added to the House bill, so that the proviso at the end of the section should read as follows:

*Provided, That this act shall not apply to goods, wares, or merchandise which have, as a component material thereof, 25 per cent. or over in value of cotton, flax, wool, or worsted.*

The value of cotton is about twenty cents per pound; of course I do not pretend to give the figures exactly. The value of silk is about six dollars per pound. So that if there is less than seven and a half times as much cotton as there is silk in any article which is required in order to make it one-quarter in value, it will be taxed 60 per cent. instead of 50 as it now is. The whole effect of this bill is by a cunning pretense to increase the duty on all mixed silk goods from 50 to 60 per cent., and to add that much to the protection, now amounting almost to a prohibition, for the benefit of a few men in New Jersey and elsewhere—10 per cent. more than is now allowed. I do not propose to increase duties by indirection; my struggle has always been to bring protection to the revenue standard. This bill will result in a diminution of the revenue and an increase of protection; it will prevent the importation of mixed cotton and silk goods, the purpose being to prevent competition with a few silk manufacturers here. That is the object of the bill by those who fully understand its scope and purpose.

Again, the committee have agreed to fix the tax on the wines imported into the country, all the still wines which now pay 25 cents, 60 cents, and \$1, down to 40 per cent. instead of 50 per cent. as agreed on by the House, so that all the high-priced wines, the sherries and Madeiras, which are now at \$1 and \$1.25 *ad valorem*, are brought down to 40 cents. The House, as I said, fixed it at 50 cents, and the committee of conference agreed with the Senate at 40 cents; so as to accommodate those who desire to buy first-class wines cheap, they put the duty down to 40 cents.

Next, they agreed to strike down the duty on hops. They fixed it at 5 cents per pound, which is 40 per cent. *ad valorem*. The House put it at 10 cents per pound. The committee reduce it to 5 cents. That I agree to. It is about the only good thing done.

The gentleman talks about the duty on jute-butts and thinks I will approve that. I care nothing about it. If he wishes to strike that provision out, I will go with him and leave them on the free list.

Another clause of the bill relates to the sales by producers of their tobacco. The manufacturers of tobacco came before the Committee on Ways and Means two years ago and said to us, "If you will make the tax on tobacco uniform—it being then at 16 and 32 cents—at 20 cents, we will agree that men living remote from market who are raising small patches of tobacco shall not be interfered with in their sales to the amount of \$100 a year; we will be satisfied with that limitation." Many of these small producers live so far from market that they could not carry their products to the point where the manufacturers or their agents were, and it was a great hardship upon them to deprive them of the power to sell their product. The House unanimously passed that provision in the last Congress; immediately after we did so, the manufacturers rushed over to the Senate, and raised the cry that the Government was going to be defrauded out of its revenue if that privilege was allowed. Those small producers of tobacco who lived remote from market were of course unable to dispose of their tobacco, unless they sold it to sub-agents in the vicinity at any price they offered, and they appealed to us to grant them the right to sell in small quantities of less than \$100 worth in a year; the House granted them that right. The moment it passed this House, as I said, the tobacco manufacturers rallied and clamored around the Senate, and they succeeded, as they have again in this instance, in having that provision stricken out of the bill.

For one, I shall vote against the bill in consequence of the bad faith, not to say frauds, practiced by these manufacturers upon the poorest class of the producers of tobacco—a product which they have as much right to raise as other men have to raise wheat, corn, or anything else. Tobacco being the only product that many men can raise, their right to do so should be recognized and protected. The fraudulent course pursued by the tobacco manufacturers to those humble citizens ought to meet with the condemnation of the representatives of the people, and I hope it will here and now. We may not succeed in granting them rights. We can at least condemn action which looks to indorsing the wrongs done them. It is bad enough to make poverty pay what wealth should furnish to support the Government, without adding insult to injury by sanctioning wrong by our action here.

Again, the gentleman from Connecticut [Mr. STARKWEATHER] made a proposition, which the House adopted, to collect a tax of  $\frac{1}{5}$  of 1 per cent. on gold and stock sales. The Commissioner of Internal Revenue has prepared a bill under which he says he can collect that tax as easily as he can any other. The conference committee have stricken that out, because the gold gamblers of New York, who sell often at the rate of \$60,000,000 in gold a day, as I am informed, raised a hue and cry against this amendment. On Black Friday it is said they sold \$250,000,000 gold, a large portion of the sales not being genuine.

Mr. CREAMER. That is not a fact.

Mr. BECK. It is the fact, as the gentleman from Connecticut [Mr. STARKWEATHER] tells me.

Mr. CREAMER. It is an entire misrepresentation.

Mr. BECK. On one day last week \$60,000,000 gold were sold. Is not that true, I ask the gentleman from Connecticut?

Mr. STARKWEATHER. That is true.

Mr. BECK. And they sold \$250,000,000 on Black Friday.

Mr. CREAMER. Black Friday occurred five years ago. The gentleman has no need to go back as far as that.

Mr. BECK. I will give the gentleman the source of my information.

Mr. CREAMER. The gentleman should not go to Connecticut to find out what takes place in New York.

Mr. BECK. The gentleman from Connecticut [Mr. STARKWEATHER] has studied this question carefully, and he has laid before us a bill prepared by the Commissioner of Internal Revenue, under which he says that he can collect \$12,000,000 a year from this source.

I am told, and I believe it to be a fact, that there is not one-tenth of these sales of gold and stocks that is genuine; it is simply a bet on the price of gold to-morrow or next day. Yet you fail to tax them because they are rich and powerful, while you oppress the poor. I say that a bill so presented ought to be voted down by the Representatives of the people, and allowed to go over until December, when we can see if we cannot do something that approaches justice, something which will make men and business that can afford to pay taxes pay them. I will never vote to increase the tariff 10 per cent. on mixed silk goods for the benefit of half a dozen men to the detriment of the revenue. It is at a point now where it is a protective and not a revenue tariff. I will not ruin the poor producers of tobacco, white and black, who cannot raise enough to make a hoghead and send it to market, to benefit a few greedy manufacturers; and I will not consent to exempt gold gamblers from taxation while the laboring poor are taxed on their products, and on all they use from their cradle to their coffin.

Mr. DAWES. I would like to make a parliamentary inquiry. Is there anything in the way of the gentleman from Kentucky [Mr. BECK] offering the bill which he has been showing about the House and having it passed if the House wants to pass it? I now yield to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. I desire to call the attention of the House to the second amendment proposed by the Senate to the bill that passed the House and which the committee of conference recommend be concurred in. It is proposed to insert the words "*in value*." The effect of that is to raise the duty so silk-mixed goods, that have for twenty years been admitted at a rate of duty 10 per cent. less than silk goods, to the same rates as silk goods, from 50 to 60 per cent. *ad valorem*. In 1871 we imported \$5,500,000 of silk-mixed goods at 50 per cent. duty; in 1872 we imported about \$7,000,000, and in 1873 about the same amount.

When gentlemen who are now distinguished members of the Senate were members of the Committees on Appropriations and Ways and Means of this House years ago they made a difference of 10 per cent. between silk goods and silk-mixed goods, and that has been the rule from that time until the present. We endeavored to cut off the frauds by requiring that one-fourth of all materials in these goods should be materials other than silk—that is that three-fourths of the materials must be silk in order that the goods might come in as silk-mixed goods. By inserting the words "*in value*" it would require that about nine-tenths of the materials should be other than silk goods to be admitted at 50 per cent. duty. Practically it would prevent any silk-mixed goods from coming in at 50 per cent. *ad valorem*. That is the intention not of the gentlemen who are presenting this bill, but of those who presented the bill to the Committee on Ways and Means. We at first, without considering, reported it as presented to us; but upon consideration the committee were unanimous in reporting the bill to the House as it passed.

I desire to say this: this is a little thing, as has been said, and it is not worth while to tinker at the tariff for the purpose of getting \$2,500,000 of revenue, when for the present fiscal year we need at least \$25,000,000 to meet the requirements of the sinking fund. When we come together at the next session, if it is necessary to raise more revenue, we can incorporate a provision like that of the gentleman from Connecticut, [Mr. STARKWEATHER,] and if necessary we can re-enact the income tax. I hope this report of the committee of conference will be voted down.

Mr. DAWES. I now yield five minutes to the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. I am sure this House does not understand the practical working of the tobacco provision in this bill upon the producer in the interior of the country. Do members of this House know the fact that the man who raises a few pounds of tobacco cannot sell it unless he sells it to the leaf dealer or to the tobacco manufacturer? And there may not be a leaf dealer or manufacturer within a hundred miles of him. This affects greatly our poor people, especially the colored people, who were reared to raising tobacco, and who have their little patches and raise a thousand pounds or so, worth perhaps eighty to one hundred dollars. After they have grown their tobacco, cured it, and prepared it for market, they have no place to sell it. The change of the law which was adopted last year prevents the country merchant from buying leaf-tobacco, because the tax



is 50 per cent. on every dollar's worth which he sells. Consequently the country merchant cannot buy, and nobody can buy it but the leaf dealer or the manufacturer, and he lives from fifty to one hundred or two hundred miles from the grower of the tobacco. The consequence is that you starve the poor man in the interest of the capitalist.

The poor never get before the Committee on Ways and Means. It is the tobacco manufacturer with his capital who goes before the Commissioner of Internal Revenue and impresses his views upon him; and he comes with a rebound upon the Committee on Ways and Means who are all willing to listen to him, and who never listen to the poor colored man or the white man who raises his thousand pounds of tobacco and has no place to sell it. Two years ago this provision in regard to one hundred pounds of tobacco was put in by the House and was left out by the Senate. Again this year it gets into the House a week before the session closes, and the rules have practically to be suspended in order that it may be passed. The \$100 clause is in, and it is proposed to leave it out so that the poor tobacco-grower, white or colored, is made to suffer, and we are obliged to vote for a tariff bill containing a provision for his relief, which might otherwise be obnoxious to us, because we want to do justice to this poor agricultural class. Again, the same provision is adopted in this House. The Senate committee struck it out before, and they have struck it out again. The Senate concurs, but the House non-concurs. The chairman of the Committee on Ways and Means [Mr. DAWES] is on the committee of conference; and had he acted in good faith, had he co-operated with my friend from Kentucky, [Mr. BECK,] there would have been no report in favor of striking out that clause in reference to selling \$100 worth of tobacco on the premises. I almost fear my friend from Massachusetts was too willing to give way. I almost fear that he threw in this provision as a bait to southern men who live in the tobacco-growing sections, so that he might get this tariff bill through; that he was willing the Senate with capitalists at its back should, at the instance of the Internal Revenue Commissioner, strike out this provision, so that he would get all he wanted and nothing that he did not want. It looks so to me, Mr. Speaker. I hope the House will non-concur.

Mr. DAWES. I yield five minutes to the gentleman from Connecticut, [Mr. STARKWEATHER.]

Mr. STARKWEATHER. Mr. Speaker, the gentleman has given me five minutes; I hope he will give me ten, if necessary. I want to state a few facts to this House. This bill was brought in here, and after much discussion of the subject in the newspapers, after the attention of the gentlemen of the Ways and Means Committee had been called to it, this little tariff bill was reported, and the House by a vote of nearly four to one put upon it as an amendment this provision for the taxation of sales of gold and stocks. The bill went to the Senate; an array of brokers from New York came down upon the Senate and besieged it. They put in their little statements. Their newspaper organs, owned by Jay Gould & Co., cried out against the proposition. The only newspapers in the whole country that spoke unfavorably of the bill which I introduced and the amendment which this House passed, so far as I observed, were two newspapers in New York City owned by these stockholders. East and West, republican and democratic papers everywhere, said that this was the proper manner in which to raise some of our revenue.

The gentleman from Massachusetts [Mr. DAWES] says that we have not time to perfect a bill for the collection of this tax. Why, sir, the only thing in this tariff bill that is perfected is this very clause which I introduced as an amendment.

Mr. BUTLER, of Massachusetts. Will the gentleman be good enough to name the papers to which he has referred?

Mr. STARKWEATHER. Does the gentleman mean the papers that oppose the proposition?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. STARKWEATHER. If I were to undertake to name the newspapers that favored the measure, I would have to name almost the whole press of the country.

Mr. BUTLER, of Massachusetts. I want the names of the papers that opposed it.

Mr. STARKWEATHER. One was the New York Tribune, the majority of whose stock is owned by Jay Gould, the man who got up the gold panic (the report upon which I hold in my hand) when \$250,000,000 of gold was sold in a single day, carrying up the price to nearly 200.

Mr. BUTLER, of Massachusetts. What is the other newspaper that the gentleman has referred to?

Mr. STARKWEATHER. Well, there is no use in mentioning the name.

Mr. BUTLER, of Massachusetts. O, yes; there is.

Mr. STARKWEATHER. It is of too little consequence. Jay Gould's organ was the leading paper in this opposition.

Mr. BUTLER, of Massachusetts, and others. Name the other paper.

Mr. STARKWEATHER. Do not interrupt me, gentlemen. I want to discuss the principles of this bill.

Mr. BUTLER, of Massachusetts. Well, I hope the gentleman will tell me the name.

Mr. STARKWEATHER. I have no objection.

The gentleman says this bill is not perfected. Why, sir, the Commissioner of Internal Revenue, after three months' consultation with

leading financial men, drew a bill on this subject and said to the Finance Committee of the Senate—I heard him say so—that he could execute this bill and bring in \$12,000,000 to the Treasury annually. He says that he can execute it cheaply without any considerable additional force; that he can execute it as cheaply as he can collect the tobacco and whisky tax. But the gentleman from Massachusetts, [Mr. DAWES,] upon a little bill of this kind, with nothing in it except a reduction of duty on a few choice wines and the imposing of a little additional duty on silk goods—a matter that will not bring any considerable revenue into the Treasury—proposes to give up the only substantial thing in the measure, a proposition which the Commissioner of Internal Revenue says will bring in \$12,000,000 annually. The gentleman from Massachusetts, instead of going to the Senate and joining with the gentleman from Kentucky [Mr. BECK] in urging this measure, proposes to say, "Here is a measure which we all agree is a good thing, an excellent thing, but which we have not time to perfect." They have had time to put a duty on silk, they have had time to readjust the duty on choice wines, they have had time for everything but to tax this great and overshadowing interest which, as proved in this book, the Gold Panic, has done the country more damage than all other influences combined in depressing business. They say these brokers have reformed themselves. Why, sir, I have here a report showing that on one day last week \$60,000,000 of gold were sold, and that only two millions of this were for any legitimate business purpose.

Why, sir, the panic of last fall, like the panic of Black Friday, was brought about by these men by their stock-gambling, their fictitious sales of stocks and gold, and by their hoarding the currency of the country, doing anything to deplete the Treasury and advance their own interests to the ruin of the country. That panic was brought about and all our panics since the war have been brought about by these men who are living on the life-blood of the nation, and who will cry out against any taxation of themselves and in favor of putting it on the land and labor of the country.

I call on the gentleman from Massachusetts [Mr. DAWES] to stand by the action of the majority of this House, and when he goes back to the Senate the best and most experienced men of the Senate will stand by him, and every man there will stand by him who has not been committed in this matter prematurely. This book shows how that tax was repealed.

Several MEMBERS. What book is that?

Mr. STARKWEATHER. It is the history of the gold panic reported to the House two years ago. Do gentlemen forget the influences which controlled the House before?

Mr. DAWES. I must resume the floor.

Mr. STARKWEATHER. I say let the House vote down this conference report and ask a further conference, and you will have a bill that is worth something and that will give us these twelve millions to pay our debts.

Mr. DAWES. Am I entitled to the floor?

Mr. KELLOGG. I wish to ask my colleague whether he confines his amendment to sales of stock?

Mr. DAWES. I ask the Chair which of these gentlemen from Connecticut, if either of them, has the floor? I thought I had it.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. STARKWEATHER. It was yielded to me.

Mr. DAWES. If I understand the rules correctly, when I yield five minutes to a gentleman he ought to stop when his five minutes are out.

Mr. STARKWEATHER. I would stop when I got through. I have been interrupted.

The SPEAKER. The time of the gentleman from Connecticut [Mr. STARKWEATHER] has expired.

Mr. STARKWEATHER. Then I will simply ask gentlemen to vote down this report.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] resumes the floor.

Mr. DAWES. I yield to my colleague on the committee, the gentleman from Iowa, [Mr. KASSON,] five minutes.

Mr. KASSON. I have but a very few moments, and I desire to use them in speaking of the measure reported by the committee. There are four points upon which a difference seems to exist in the House. I will first take up the gold sales. There are few men in this House, I apprehend, who do not remember the previous attempt that was made in the same spirit in which this is made by the gentleman from Connecticut [Mr. STARKWEATHER] with the same *ad captandum* appeals to the House and the country to regulate gold sales in New York. And does not the gentleman remember the success which attended them? Does he remember how many days our legislation remained in force? And now his proposition is upon a bill reported by himself without the sanction of a committee and with no written recommendation from the Commissioner of Internal Revenue, nothing but a report of what the Commissioner said, furnished by him to the House. He asks this House to reject a conference report because it does not contain the clause which he recommended to the House and the House adopted after a five-minutes speech.

The fact is clear that this House does not want to pass a bill which, in the former case, they repealed in thirty days. They do not wish to make themselves ridiculous in the eyes of the country by passing a measure which they cannot yet see their way through. And, again,

if the Senate refuses the measure, how is the action of that gentleman, or of this House, going to make the Senate pass it in the last hours of the session, or at any other time? The only way in which we can expect to get this measure through is by maturing it early in this House if the Senate is not in favor of it, and going early to the Senate when they have time to discuss it, and the friends of the measure have time to win the Senate to its support.

For myself I shall be glad to realize \$12,000,000, or even \$4,000,000 from that source, but I know from practical experience in the former case that it is vain for us to attempt to try it in this House against the deliberate opinion of the Senate and expect to get it through at this time. I come now to the wine question.

Mr. CESSNA. Before the gentleman leaves the other point which he has been discussing, will he allow me to ask a question bearing upon it?

Mr. KASSON. If it will not occupy much of my time.

Mr. CESSNA. I wish to know if the gentleman can tell the House why and how that bill on a former occasion was repealed within thirty days?

Mr. KASSON. I cannot go just now into a discussion of the old bill. I only refer to the fact that when we did attempt such legislation it was done with the same earnestness, and was followed by most disastrous results, raising the premium on gold so high that the whole country was alarmed; and I fear the same result would now follow hasty and unwise legislation. Such a bill should be matured after consultation with the business interests affected, so that we may know what its effect will be, instead of dealing rashly with the subject here.

Secondly, upon the duty on wines the gentleman says that this bill only reduces the duty upon the high grades of wines. The gentleman in making that charge certainly must have forgotten that we raised the duty upon the low grades of wine from twenty-five to forty cents a gallon, and taking a period of five or six years it will be found that nine-tenths of the wines imported are of the low grade. It is now proposed to get rid of *ad valorem* duties, and to make the duties specific, and it is estimated that this will increase the revenue not less than \$1,000,000.

The third point is in reference to the tobacco question. We desired to benefit the manufacturers by giving them a drawback on the amount of licorice used in the manufacture; but the committee left in the bill the clause which relates to the exportation of manufactured tobacco, which greatly enhances the export trade from this country.

The only remaining question in the report is that of jute-butts, to which the gentleman from Kentucky seems to attach very little importance. Upon that question I have only to say that I have letters in my possession which show that nearly ninety flax-mills in the Northwest went out of existence in consequence of this article being placed upon the free list. We have in this bill placed a duty upon it which will not only yield us some revenue, but will revive that industry in the Northwest.

Mr. LAMISON. I would ask whether the report increases the duty on this article?

Mr. KASSON. No; it is substantially the old duty.

Loud cries of "Vote!" "Vote!"

Mr. DAWES. I call for the previous question.

The previous question was seconded and the main question ordered, being upon agreeing to the report of the committee of conference.

Mr. HARRIS, of Virginia. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 136, not voting 104; as follows:

YEAS—Messrs. Albert, Albright, Barber, Bass, Biery, Bradley, Buffinton, Ames Clark, jr., Conger, Crooke, Dawes, Dunnell, Eames, Foster, Gunckel, Robert S. Hale, Benjamin W. Harris, Joseph R. Hawley, E. Rockwood Hoar, Hubbell, Kasson, Lawson, Lowe, Lowndes, Merriam, Moore, O'Neill, Pendleton, Rapier, Rice, Ellis H. Roberts, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheldon, A. Herr Smith, George L. Smith, Sprague, Stanard, Todd, Townsend, Waldron, Charles W. Willard, John M. S. Williams, James Wilson, and Woodford—49.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Barry, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Caldwell, Cannon, Cason, Cessna, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Corwin, Creamer, Crossland, Crouse, Crutchfield, Danford, Darrall, Davis, Durham, Eldredge, Field, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Gerry W. Hazelton, John W. Hazelton, Hereford, George F. Hoar, Hodges, Houghton, Howe, Hunton, Hyde, Hynes, Kellogg, Kendall, Lamar, Lamison, Lamport, Lawrence, Leach, Loftand, Loughridge, Lynch, Magee, Marshall, Martin, Maynard, James W. McDill, MacDougall, McLean, Milliken, Mills, Morrison, Packer, Isaac C. Parker, Phillips, James H. Platt, jr., Pratt, Randall, Ransier, Read, Robbins, James C. Robinson, James W. Robinson, Ross, Milton Saylor, Sener, Sessions, Shanks, Sheats, Sherwood, Sloan, Sloss, Smart, John Q. Smith, Snyder, Standford, Starkweather, St. John, Stone, Stowell, Straitt, Sypher, Thornburgh, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, George Willard, Charles G. Williams, William B. Williams, Willie, John D. Young, and Pierce M. B. Young—136.

NOT VOTING—Messrs. Archer, Begole, Berry, Buckner, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Cotton, Cox, Crittenden, Crocker, Curtis, DeWitt, Dobbins, Donnan, Duell, Eden, Elliott, Farwell, Fort, Freeman, Garfield, Eugene Hale, Harmer, Hathorn, John B. Hawley, Hays, Hendee, Herndon, Hersey, Holman, Hooper, Hoskins, Hunter, Hurlbut, Jewett, Kelley, Killinger, Knapp, Lansing, Lewis, Luttrell, McCrary, Alexander S. McDill, McKee, McKee, McNulta, Mitchell, Monroe, Morey, Myers, Neal, Neg-

ley, Nesmith, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packard, Page, Hosea W. Parker, Parsons, Pelham, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland Potter, Purman, Rainey, Ray, Richmond, William R. Roberts, John G. Schumaker, Lazarus D. Shoemaker, Small, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Stephens, Storm, Strawbridge, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Marcus L. Ward, Wheeler, William Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Woodworth—104.

So the report of the committee of conference was rejected.

During the roll-call the following announcements were made:

Mr. CLARK, of Missouri. I desire to state that my colleague, Mr. CRITTENDEN, is detained at home by sickness. If here he would vote "no."

Mr. GUNCKEL. I desire to state that my colleague, Mr. MONROE, has been compelled to leave the Hall on account of indisposition.

Mr. SPEER. I desire to state that my colleague, Mr. STORM, is paired with the gentleman from New York, Mr. WHEELER, upon all political questions. I do not know whether this is to be regarded as a political question.

Mr. RANDALL. O, no! I protest against the tariff being regarded as a political question.

Mr. SPEER. My colleague, Mr. STORM, if here would vote "no." I do not know how Mr. WHEELER would vote.

Mr. MAYNARD. I move that a new conference be requested upon the disagreeing votes of the two Houses upon this bill.

The motion was agreed to upon a division—yeas 98, nays 48.

The SPEAKER announced the appointment of Mr. MAYNARD, Mr. STARKWEATHER, and Mr. BECK as the conferees upon the part of the House.

Mr. BECK. I think I must ask the Chair to excuse me.

The SPEAKER. By parliamentary usage the gentleman is entitled to serve.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced to the House that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (S. No. 733) regulating gas-works;

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; and

A bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

#### INSANE CONVICTS.

Mr. MACDOUGALL, submitted the report of a committee of conference, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the Senate amendments.

C. D. MACDOUGALL,

J. B. RICE,

R. M. SPEER,

Managers on the part of the House.

F. T. FRELINGHUYSEN,

GEORGE G. WRIGHT,

J. W. STEVENSON,

Managers on the part of the Senate.

The report of the committee of conference was agreed to.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under the award made by the arbitration constituted by virtue of the joint article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain;

A bill (S. No. 252) to remove the political disabilities of John Julius Guthrie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm the purchase of certain lands at Fort Hamilton, New York;

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

A bill (S. No. 436) for the relief of Lieutenant John Shelton;

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities; and

A bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

Mr. RANDALL. I move that the House now take a recess until ten o'clock to-morrow morning.

The motion was agreed to; and accordingly (at one o'clock and twenty-five minutes a. m.) the House took a recess until ten o'clock a. m.



## AFTER THE RECESS.

The recess having expired, the House reassembled at ten o'clock a. m., (Tuesday, June 23, 1874,) the Speaker in the chair.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

## JOHN FLETCHER.

The House then resumed the consideration of business on the Speaker's table under a suspension of the rules; and the first bill was the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell.

Mr. LOWE. I move that the rules be suspended and the bill passed.

Mr. SPEER. I move that the bill be referred to the Committee on War claims.

Mr. LOWE. I hope the gentleman will not object.

Mr. SPEER. I will object; you cannot appeal to me this morning.

Mr. LOWE. I have the Senate report here, showing that this is a strong case.

Mr. SPEER. Debate is not in order.

Mr. RANDALL. This meeting of the House is rather *pro forma* than anything else for the present.

The SPEAKER. Does the gentleman from Kansas object to its going to the Committee on War Claims?

Mr. HAWLEY, of Illinois. It should not go to the Committee on War Claims, but should be referred to the Committee on Claims.

Mr. LOWE. Let it be so referred.

The bill was so referred.

## THE REGULATION OF GAS COMPANIES, DISTRICT OF COLUMBIA.

Mr. SESSIONS. I rise to a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 733) regulating gas works, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House and agree to the same.

That the Senate recede from its disagreement to the second amendment of the House and agree to the same with the following amendments: Strike out the words "eight dollars" and insert in lieu thereof the words "eight dollars and a half," and after the words "ensuing year" insert the words "excepting the Ritchie mineral and Richmond coal, the cost of which shall not enter into any calculation in making an average, which statement shall be."

The committee also recommend the following amendment to section sixteen: Strike out the words "Washington Gas Company" and insert in lieu thereof the words "any gas-light company in the District of Columbia."

W. L. SESSIONS,  
CHARLES O'NEILL,  
STEVENSON ARCHER,  
*Managers on the part of the House.*  
JUSTIN S. MORRILL,  
WILLIAM B. ALLISON,  
HENRY COOPER,  
*Managers on the part of the Senate.*

The report was adopted.

Mr. SESSIONS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## INCREASE OF SOLDIERS' PAY.

The next business on the Speaker's table was the bill (S. No. 800) to amend the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June 20, 1864.

The bill was read.

Mr. HAWLEY, of Connecticut. I do not know who has that bill in charge. The subject was before the Committee on Military Affairs and was discussed. I think the bill is entirely safe.

Mr. COBURN. An act has been already passed on that very subject. It is the law now.

Mr. HAWLEY, of Connecticut. Has it passed both Houses?

Mr. COBURN. Yes, sir.

Mr. ELDREDGE. I move it be referred to the Committee on Military Affairs.

The motion was agreed to.

## CONDEMNED CANNON TO MASSILLON, OHIO, FOR MONUMENTAL PURPOSES.

The next business on the Speaker's table was the bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes.

The bill was read.

Mr. ELDREDGE. I hope that will not be passed. We have given

cannon away without knowing anything of the value of them. I hope that business will be stopped.

Mr. SPRAGUE. I move to suspend the rules and pass the bill.

The House divided; and there were—ayes 21, noes 25.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the bill was not passed.

On motion of Mr. ELDREDGE, the bill was then referred to the Committee on Military Affairs.

## PROTECTION OF PERSONS OF FOREIGN BIRTH.

The next business on the Speaker's table was the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude, returned from the Senate with the following amendments:

Strike out all after "service" in line 7 down to and including "thereof" in line 12, and strike out sections 3 and 4; so it will read:

That whoever shall knowingly and willfully bring into the United States, or the territories thereof, any person inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary service, and whoever shall knowingly and willfully sell or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever, and every person who shall knowingly and willfully hold to involuntary service any person so sold and bought, shall be deemed guilty of a felony, and, on conviction thereof, be imprisoned for a term not exceeding five years, and pay a fine not exceeding \$5,000.

SEC. 2. That every person who shall be accessory to any of the felonies herein declared, either before or after the fact, shall be deemed guilty of a felony, and on conviction thereof, be imprisoned for a term not exceeding five years, and pay a fine not exceeding \$1,000.

Mr. PAGE. I move that the House concur in the amendments of the Senate.

The amendments were concurred in.

Mr. PAGE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ALLEGHANY VALLEY RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

The bill was read. It authorizes the Alleghany Valley Railroad Company to extend its tracks over and occupy the ground between the present track and the Alleghany River where the track, under the act approved February 14, 1853, was laid through the grounds of the United States at and near the Alleghany arsenal, in the county of Alleghany, in the State of Pennsylvania; provided that the mode and purpose of occupation shall first be submitted to and approved by the Secretary of War; and the value of the right of way herein granted, as fixed by a board of Army officers as the Secretary of War may detail to make such valuation, shall be paid into the Treasury before occupation in pursuance of the act.

Mr. NEGLEY. I move to suspend the rules and pass the bill.

Mr. COBURN. I hope the gentleman will be allowed to explain it.

Mr. NEGLEY. This bill contemplates the occupancy of a small piece of valueless land lying outside of the railroad track near the river. It is of no use to the Government; but still whatever value it may have will be paid for.

The motion of Mr. NEGLEY to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

## RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of public works on rivers and harbors for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 24, 29, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 30, 27, 28, 31, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, and 49, and agree to the same.

That the Senate recede from its amendment numbered 4 and substitute the following words: "For the improvement of the harbor at Erie, Pennsylvania, \$20,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20 and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert the word "fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment as follows: Strike out the words "according to the plans reported by the Government engineers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment as follows: After the words "twenty thousand dollars" insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment as follows: After the word "and" insert

"\$10,000 is hereby appropriated for the improvement of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 50, and agree to the same with an amendment as follows: Strike out the words "two from the Army, two from the Coast-Survey" and insert in lieu thereof "three from the Army, one from the Coast-Survey;" also strike out the word "fifty" and insert the word "twenty-five" in lieu thereof; and the Senate agree to the same.

Z. CHANDLER,  
WM. A. BUCKINGHAM,  
GEORGE R. DENNIS,  
*Managers on the part of the Senate.*  
PHILETUS SAWYER,  
RICHARD C. PARSONS,  
ERASTUS WELLS,  
*Managers on the part of the House.*

Mr. WILLARD, of Vermont. How much does this conference report reduce the appropriations in the bill as it passed the Senate?

Mr. SAWYER. About \$250,000.

Mr. WILLARD, of Vermont. How much more does the bill appropriate than when it left the House?

Mr. SAWYER. A little less than half a million dollars besides the \$200,000 for surveys. The amount now appropriated by the bill is altogether about \$700,000 over the amount appropriated by the bill as it left the House, and a little over half a million dollars less than the appropriations in the similar bill last year.

Mr. SPEER. I understand that this bill appropriates now about \$750,000 more than when it passed the House?

Mr. SAWYER. About \$700,000.

Mr. SPEER. These are pet appropriations put in by Senators, I suppose?

Mr. SAWYER. No, sir; a great many of them are for works which had been officially recommended and which were entirely proper if we entered upon any new work.

Mr. SPEER. Is there anybody that the gentleman knows of that is now not provided for in this bill?

Mr. SAWYER. O, lots of them.

Mr. HALE, of Maine. There are enough for another bill next year.

Mr. SPEER. Would it not be well to amend the bill and put them all on?

The report of the conference committee was adopted.

Mr. SAWYER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LEAVE TO PRINT.

Mr. GARFIELD, by unanimous consent, obtained leave to have published in the RECORD some remarks on the subject of surveys for transportation routes, and on the general question of transportation and railroads. (See Appendix.)

#### POST-OFFICE APPROPRIATION BILL.

Mr. TYNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment and agree to the same with an amendment as follows: Strike out the words "library of the office of Assistant Attorney-General," and insert in lieu thereof the word "use;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the eighth amendment and agree to the same with amendments as follows: In line 1 of said Senate amendment, after "on" insert "and after the 1st of January, 1875;" and on line 4 of the House amendment to the said Senate amendment strike out the words "one cent and five mills" and insert "two cents;" and strike out all after "provided," in line 7, and insert "that nothing in this act shall be held to change or amend section 99 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872,'" and in section 6, line 1, after "that" insert the words "on and after the 1st day of January, 1875;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the twelfth amendment, and agree to the same with amendments as follows: In the second amendment of the House to said amendment strike out "taken" and insert "made;" in line 31 of said Senate amendment strike out "one;" and the House agree to the same.

That the House recede from its disagreement to the fourteenth amendment and agree to the same with amendments as follows: In line 9 strike out "eight" and insert "six;" in line 33 strike out "eight" and insert "six;" in line 67 strike out "fifty" and insert "sixty;" in line 68 strike out "forty" and insert "fifty;" in line 69 strike out "thirty" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the sixteenth amendment and agree to the same with an amendment as follows: In line 87 strike out the words "a letting under advertisement can take place," and insert in lieu thereof, "the service shall have commenced under a contract made according to law;" and the Senate agree to the same.

That the House recede from its disagreement to the seventeenth amendment and agree to the same with an amendment as follows:

Insert in lieu of said amendment the following:

That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department shall be ten cents for each bound volume and on unbound documents the same rates as that on newspapers mailed from the known office of publication to regular subscribers; and the words "Public document" written or printed thereon, or on the wrapper thereof and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department, shall be deemed sufficient certificate that the same is a public document, and the term "public document" is hereby defined to

be all publications printed by order of Congress or either House thereof: *Provided*, That the postage on each copy of the daily CONGRESSIONAL RECORD mailed from the city of Washington as transient matter shall be one cent.

And the Senate agree to the same.

JAMES N. TYNER,  
J. G. CANNON,  
S. S. MARSHALL,  
*Managers on the part of the House.*  
WM. WINDOM,  
WM. B. ALLISON,  
H. G. DAVIS,  
*Managers on the part of the Senate.*

Mr. TYNER. I will demand the previous question on the adoption of the report unless some gentleman desires to ask questions in regard to it.

Mr. SPEER. Will the gentleman state how the postage question is left?

Mr. ELLIS H. ROBERTS. I would like to ask the gentleman from Indiana [Mr. TYNER] what has been done, first, as to the time when prepayment would be required on newspapers, and second, as to the rate upon newspapers?

Mr. TYNER. The conference report provides that the prepayment of postage on newspapers shall commence on the 1st day of January, 1875. It also provides that the rate of postage on newspapers shall be 2 cents per pound upon all newspapers published weekly and more frequently, and 3 cents per pound upon all publications published less frequently than once a week.

Mr. BUNDY. That includes magazines.

Mr. TYNER. Yes; it includes magazines. That was the main point of difference between the House and the Senate. The Senate had inserted 4 cents a pound on newspapers. The House in the bill passed a few days ago, and which was incorporated almost bodily in the post-office appropriation bill, had agreed upon 1½ and 3 cents. When the first committee of conference met we found it almost impossible to agree upon any sum less than 4 cents. But an agreement was effected by the concurrence of two of the Senate conferees at the rates which the House had previously fixed, to wit, 1½ and 3 cents. When the conference report was submitted to the Senate, one of the conferees opposed it upon the ground that the rate of postage upon newspapers was too little, and the conference report was defeated.

When we came together last evening we found that the conferees on the part of the Senate considered themselves under instructions not to yield to the House conferees, and the only compromise that we could get that seemed to come anywhere near to what the House desired was the rate of 2 cents per pound.

Mr. ELLIS H. ROBERTS. Will the gentleman allow me another question?

Mr. TYNER. Certainly.

Mr. ELLIS H. ROBERTS. The House adjusted the newspaper postage in a separate bill; the Senate put that upon an appropriation bill. Now, as I understand, the Senate by having the bill upon an appropriation bill seeks to compel the House to yield to it its judgment upon the question of postage; and I desire to make this point: that the Senate by ingrafting legislation upon an appropriation bill is able now to compel the House to yield against its own judgment.

Mr. TYNER. It does not become me as a member of the House, or as one of the conferees on the part of the House, to say that the Senate has compelled us to do anything. It is true that we sent to them a clean appropriation bill without any legislation in it whatever. The Senate exercising its right did ingraft upon that bill a vast amount of legislation, and just such legislation as never ought to be forced through the two Houses upon an appropriation bill or in any other way than after the most thorough examination and the fullest deliberation.

Now, as I said before, it is not part of my purpose, nor would it be becoming in me to criticize that action on the part of the Senate. But I say this, and I take this occasion to say it perhaps for the first time publicly since I have been a member of the House, that in my judgment the rules ought to be so changed that not a single item of legislation should ever be ingrafted on any appropriation bill. But the rules do permit this to be done. It has been done, and we have to meet it now as we find it.

Mr. COBB, of Kansas. I understand that the conferees on the part of the House have also yielded to the amendment of the Senate which emasculated the House bill that we passed some time back relative to the letting of contracts, and that as it now stands the Postmaster-General in making contracts for temporary service or regular service in case of the failure of the original contractors is confined to the list of bidders bidding in the first instance, instead of being permitted, as he was allowed to do by the original bill which left the House, to let it to the bidders in the first instance and afterward to go to all the world, provided they would take it at the same price, without the necessity of an additional advertisement.

Mr. TYNER. In response to that I will say that the bill which the House sent to the Senate required that the bids for contracts in the Post-Office Department should be accompanied by bonds. It was designed to break up the vicious system of what is known as straw-bidding. This provision was materially amended by the Senate, who ingrafted in this appropriation bill, as a part and parcel of it, a provision which was entirely different from that originally passed by the House. The legislation adopted by the conference committee entirely defeats the legislation originally provided



by the House. I have no hesitation in saying that the House bill upon this subject was decidedly better than that which is here proposed. I desire further to say in this connection that as one of the conferees on the part of the House I would not have agreed at all to the amendments of the Senate if I had not believed that it was a slight improvement on the present law.

Mr. COBB, of Kansas. Then I understand by the reply of the gentleman from Indiana that the bill is emasculated as I stated. And I wish to put it on record as a fact that it is in my judgment the triumph of the contractors again in the Post-Office Department by reason of this pernicious system of legislation of attaching laws to appropriation bills.

Mr. ELDREDGE. I desire to ask the gentleman a question.

Mr. TYNER. I will yield for that purpose.

Mr. ELDREDGE. As I understand it the report of the committee of conference leaves the law as it existed before any amendment was made. It allows the Government to be cheated by this class of bidders, known as straw-bidders. Instead of protecting the Government against these bids, these rings and combinations, the Postmaster-General is allowed to give out contracts to any one he pleases, even though no bid be made.

Mr. TYNER. I will answer that point. I think the gentleman from Wisconsin has taken a little too broad a view in regard to what is accomplished by the report. The law as it now stands provides that any party making a bid for the transportation of the mails shall send in a written statement signed by one or more persons that he will faithfully perform his contract; but this bill provides that at the time a proposed contractor files his bid he shall also file his bond signed by securities who must first take an oath that they have real estate of more than double the value of the amount involved.

Mr. ELDREDGE. What is the penalty attached to such bond?

Mr. TYNER. The penalty is the liquidated damages on the amount of the bond.

Mr. ELDREDGE. What is the amount of the bond that the bidder is required to be responsible for in fact?

Mr. TYNER. Such amount as the Postmaster-General may indicate in the advertisement for the proposals for the route.

Mr. ELDREDGE. Does not the gentleman know that the old law required bonds; but does he know a single instance in which the penalty was recovered? Did he ever know a case in which forfeiture was made of the bonds of the defaulting contractors?

Mr. TYNER. I think the gentleman does not give to the conference report the full credit that it deserves. The law as provided for in this report is undoubtedly better than the law under which the Post-Office Department has hitherto given out contracts. I do not know a single instance under the old law where damages have been recovered on the bond of a defaulting contractor.

If the gentleman will listen to me I will state briefly all the provisions of the pending law as we propose to amend it. In the first place the bidder must file his bonds with the Postmaster-General, and if that bid exceeds the sum of \$500,000 he must also file a certified check for the amount, with 5 per cent. interest. There are these two securities.

Then, in order to identify the sufficiency of the bond, the sureties and the bidders must take an oath that they own unincumbered real estate worth double the amount in value of the amount named in the bond. Then in addition to that still further, the postmaster, who approves the sufficiency of the bond, by the present law, in the event he shall knowingly approve a bond which he believes to be insufficient, or shall approve it without proper and due examination, is not only to be removed from office, but disqualified forever from holding a post-office. Then in addition to that the penalty imposed upon that postmaster, in the event of a prosecution and conviction, may be not less than \$5,000, whereas under the present law it would not exceed the sum of \$1,000.

Again, under the last law, under which only one single letting has been made, the Postmaster-General, when the accepted bidder failed to enter upon his contract, was authorized to go to the second bidder only. In the event the second bidder would not take the contract, then he was authorized to make a contract with outside parties for twelve months. This bill provides that after the first contractor fails the Postmaster-General shall go to the second if his bid be not too high, and if the second fails then he may go on up the list to the last bidder, and make a contract at any price that he does not consider too high. In the event that he cannot thus obtain a contractor, then he is authorized to let a temporary contract for a period not exceeding six months and at a price not above that of the last regular contract on that route.

Now I submit to the gentleman from Wisconsin [Mr. ELDREDGE] that while this bill does not meet my views, while I believe I could frame a provision that would most effectually cut off straw-bidding, a provision which would tally precisely with the provision of the bill sent by the House to the Senate, yet when we cannot get all we want, is it not wise to get all we can if it is better than what we now have?

Mr. ELDREDGE. I concede that it is wise to get the best that we can; there is no doubt about that. But the bill of the House, as I understood it, provided for the reletting of the contract by advertisement; it took away this discretion which has been vested in the Postmaster-General and which has been so much abused. I do not

believe in leaving that discretion there. I do not say that the suggestion of the gentleman that the Postmaster-General has the right to go up the list and not let a contract at a higher price than contracts had been previously let is any protection whatever. We know very well that when the old contractor is on the ground, with his horses and wagons and his stock in general, he can keep everybody else from that route. It must be an actual letting under an advertisement or it will amount to nothing but straw; and straw-bidding will continue, in my judgment, in spite of all the things which the gentleman has suggested.

Mr. TYNER. The gentleman from Wisconsin is very correct in his views that under the present law, in the event of the failure of the contractor to perform the conditions of his contract, the Postmaster-General then must let a temporary contract to the man who has stock on hand and is ready to go upon the route and perform the service. But the gentleman ought to remember that under the present law the Postmaster-General may make that temporary contract for twelve months, while the bill we are now considering provides that he shall not let it for more than six months, and shall not in that contract exceed the amount of the last regular contract on that route. I apprehend the gentleman from Wisconsin will see at once that this is a little advantage. It is not all we want; it is not what the gentleman wants; nor is it what any gentleman in this House wants who has honestly, carefully, and wisely considered the subject. We will, in my judgment, never get a law which is anything like right until we require the Postmaster-General, upon the failure of the accepted bidder, to go outside and contract with other parties.

Mr. ELDREDGE. I would like to know what force there is operating in this House and in the Senate that prevents this wholesome provision which the gentleman himself says that we ought to have. I have no doubt of the sincerity of the gentleman. I believe he does sincerely want to guard against these frauds. But what power is there, secret or otherwise, which overcomes him in his efforts to get an honest provision of law to protect the Government? Is it in this House or around this House or in the Department? What power is there so mysterious as to balk all the efforts of this Congress to do what ought to be done?

Mr. TYNER. The gentleman from Wisconsin ought to know that I am not able to answer his question. I have been in this House for five years, during which time I have been more or less intimate with the affairs of the Post-Office Department as they come here. If there is a ring or a lobby or any other kind of influence about this House or the other House that prevents the passage of such bills as are necessary to protect the Government in this regard, I say to him frankly that I never saw them; I know nothing about them. No man has ever approached me on the subject; no man ever dared to.

Mr. ELDREDGE. I do not suppose the gentleman has ever been approached in that way. I hope he did not understand me as intimating any such thing.

Mr. TYNER. I do not.

Mr. ELDREDGE. I do not believe that the gentleman can be approached. But there is some mysterious force at work so that when we find an almost unanimous opinion in Congress in favor of adopting such a provision as shall protect the Government, we cannot accomplish that purpose. I say that we should stay here till next August, nay, till the time for the next session to commence, before we should allow ourselves to be balked in our effort to provide against this crying evil.

Mr. LUTTRELL. I hope that this matter will be recommitted to the conference committee; and let us, as the gentleman from Wisconsin [Mr. ELDREDGE] says, stay here, if need be, till the commencement of the next session in order to break up this combination to defraud the Government. I say that we should refuse to adjourn until this system of "straw-bidding" is broken up.

Mr. TYNER. The indignation of the gentlemen is all right; but we are getting now a law better than we have had.

I yield a moment to the gentleman from Connecticut, [Mr. HAWLEY;] and then I propose to yield for a short time to the gentleman from Pennsylvania, [Mr. PACKER.]

Mr. HAWLEY, of Connecticut. Mr. Speaker, I am very sorry that the conference committee thought it necessary to yield upon the subject of postage on newspapers, because I am sure that the report in that respect is, as it now stands, an error. I feel very sure, indeed I know, that the judgment of the Postmaster-General is with me in this matter. I know from his own most emphatic expressions on the subject that he would have preferred to risk the failure of the appropriation bill rather than yield to the original demand of the Senate; and it is with great reluctance that he has yielded to this final settlement.

I have no right to speak of gentlemen's motives as unworthy; but I do think it is an unworthy motive if gentlemen believe that in adopting such a measure as this they are in any way punishing any class of people. I hear intimations of that sort sometimes; but it seems to me such considerations ought not to enter into legislation. If any gentlemen fancy that they have given abundant protection—a heavy protective tariff as it were—to the country or local newspapers, and that it is at the same time a matter of congratulation that we have put a sudden, unexpected, and very heavy burden upon papers of wider circulation, I think they look at this matter in the wrong light.

There is no paper that is circulated exclusively within the county of its publication; there is scarcely any paper that is located precisely within the center of its county. Many of these local papers circulate about equally in several counties. Hence you do not, by the action here proposed, exempt any newspaper entirely from postage, while you put an unforeseen and very heavy tax upon the majority of them.

In concurring with the Senate—in yielding the point of putting the rate at 2 cents—we are partly defeating the object of the movement.

Prepayment of postage is just and right; but there is this consideration which you must look at: you may put your rate so high that you will defeat your object. When you fix the rate at 2 cents a pound or \$40 a ton for papers which in the majority of cases go but a comparatively short distance, only an exceptional few circulating hundreds or thousands of miles, you make it an object for all newspapers of any considerable circulation—for all of them in fact—to avoid the mails as much as possible. Every publisher whose circulation is at all considerable and who can take advantage of railroad facilities will make an arrangement by the year with the express companies, which have shown themselves more liberal in this matter toward the newspapers than Uncle Sam. They will take the papers at lower rates and will on the average beat Uncle Sam in prompt delivery. Thus by this legislation you induce the newspaper publishers to avoid to the utmost of their ability the post-office and seek arrangements with railroad companies or the express companies.

If on the contrary you would fix the rate lower—if you would fix it as low as the House fixed it, 1½ cents per pound, or 1 cent per pound as I think it should be, and for the country papers ½ cent, so that everybody would pay something, while the whole rate would be low—you would get nearly the whole business except where the newspapers might be compelled to take advantage of early trains or where the mails could not give them sufficient accommodations; and thus your aggregate revenue would be greater than it will be under this arrangement. Besides that, you would avoid what it is always desirable to avoid in taxation—the unnecessary exasperation or worrying of those who are to pay the tax with a sense of inequality and injustice.

I think you ought to make all the papers pay postage; I do not think there is any justice in exempting any of them entirely. But you should make the rate very low for short distances, within the county or within a hundred miles of publication and larger for greater distances. I think there would be no difficulty in having rates discriminated as to distance. Let all the papers pay something; but make the rates so low that you will increase your revenue. As the law now stands you do not get one-half, I suppose you do not get one-fourth, of the postage you are entitled to. By fixing the postage at the low rates I am advocating you will offer an inducement to publishers to make use of the mails and will very considerably increase your revenue, while at the same time this will be a more satisfactory form of taxation.

In conclusion, let me say that I join with the chairman of the conference committee [Mr. TYNER] in emphatic condemnation of this whole business of attaching general legislation to appropriation bills. I have thought again and again during this session that if I should come here another session I would begin on the very first day and resist every proposition to put general legislation on appropriation bills.

I hope there may be adopted some joint resolution, some provision as rigid as can be made, to avoid the whole of it. Nothing but mischief comes out of it. We have ten times the discussion on appropriation bills we ought to have or we would have if appropriations were only included which were authorized by law. We have only wrangles, disagreements between the two Houses, conference committees, and general dissatisfaction because of the abuse complained of.

Mr. SPEER. Let me ask the gentleman whether he did not vote to suspend the rules and allow the Choctaw claim to be placed upon one of the appropriation bills?

Mr. HAWLEY, of Connecticut. Quite likely I have sinned with the rest. It seemed to be the only way to get justice done to the Choctaws. We owe that money to the Choctaws just as much as the gentleman's washing bill is due to his laundress.

Mr. SPEER. I have settled that bill, and so do not owe anything.

Mr. HAWLEY, of Connecticut. Then change the illustration—as much due as his will be.

Mr. TYNER. My colleague on the committee of conference, the gentleman from Illinois, [Mr. MARSHALL,] desires to be heard for a very short time. I have also promised to yield to the gentleman from Pennsylvania, [Mr. PACKER,] chairman of the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I suggest that we now adjourn, as it only lacks five minutes of the expiration of this legislative day.

Mr. TYNER. Very well.

And then, on motion of Mr. RANDALL, (at five minutes to eleven a. m.,) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. AVERILL: The petitions of Eden, Prairie, and Miltons Granges, of Hennepin and Douglas Counties, Minnesota, for the pass-

age of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BARRERE: The petition of Morris Pinchouer, for a charter to construct a canal in Nevada, to the Committee on the Public Lands.

By Mr. BUNDY: The petition of 56 citizens of Columbiana County, Ohio, for the restoration of the 10 per cent. duty on certain imports, to the Committee on Ways and Means.

By Mr. BURCHARD: The petition of citizens of Oregon, Ogle County, Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BUTLER, of Massachusetts: The petition of Joseph Fuller for a pension, to the Committee on Invalid Pensions.

By Mr. FORT: Three petitions of citizens of Illinois for the construction of a double-track freight railway from the Missouri River to tide-water on the Atlantic, to the Committee on Railways and Canals.

By Mr. HARRIS, of Virginia: The petition of Samuel Senger, of Rockingham County, Virginia, to be compensated for stock driven off by order of General Sheridan, to the Committee on War Claims.

Also, the petition of Peter Ritchie, of Rockingham County, Virginia, of similar import, to the same committee.

By Mr. HOUGHTON: The petition of Manuel Ferrer and his wife to be allowed to prosecute an appeal in a land case in California, to the Committee on Private Land Claims.

By Mr. MCCRARY: The petition of grange organizations of Iowa, for the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PLATT, of Virginia: The memorial of the board of trustees of public schools of Washington, District of Columbia, asking that the statue of Thomas Jefferson, now located near the Executive Mansion, be transferred to the grounds of the Jefferson school building, to the Committee on Public Buildings and Grounds.

By Mr. PACKER: The memorial of H. T. McAlister in relation to his patented voting apparatus, to the Committee on Rules.

Also, the petition of citizens of Sunbury, Pennsylvania, for a donation of condemned cannon to ornament the grounds surrounding a soldiers' monument in that place, to the Committee on Military Affairs.

Also, the petition of citizens of Sunbury, Pennsylvania, for an increase of the volume of currency, to the Committee on Banking and Currency.

Also, the petition of druggists of Northumberland County, Pennsylvania, for a repeal of the stamp-tax on medicines, to the Committee on Ways and Means.

Also, resolutions of the Philadelphia County Medical Society in relation to promotions in the Medical Department of the Army, to the Committee on Military Affairs.

Also, resolutions of the Dauphin County Medical Society, of similar nature, to the same committee.

Also, numerous petitions of citizens of Pennsylvania, for the restoration of 10 per cent. of duty on certain imports, to the Committee on Ways and Means.

By Mr. PRATT: The petition of Prairie Grange, Wright County, Iowa, for the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. ROBINSON: The petition of W. B. Brown and 54 others, for the passage of a law to secure the right of franchise notwithstanding their temporary absence in Government employ, to the Committee on the Judiciary.

By Mr. SAYLER, of Indiana: Twenty-six petitions from citizens of fourteen States, containing 504 signatures, for the passage of a law to authorize the manufacture of patent-right articles by others than owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. YOUNG, of Kentucky: The petition of Elizabeth Rice for a pension, to the Committee on Invalid Pensions.

#### IN SENATE.

TUESDAY, June 23, 1874.

The Senate met at ten o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Mr. RAMSEY. I move that the reading of the Journal be dispensed with and that the Senate proceed to the consideration of the post-route bill. If that is not done, I would as soon have the Journal read.

Mr. WASHBURN. I ask that the reading of the Journal be dispensed with.

There being no objection, the reading of the Journal was dispensed with.

#### CLERKS AT SPRINGFIELD ARMORY.

Mr. WASHBURN. There are two private bills that I should like to have disposed of. The first is House bill No. 1410, to fix the salaries of the clerks of the United State armory in Springfield, Massachusetts.



Mr. FRELINGHUYSEN. I think the unfinished business of yesterday should come up.

The PRESIDENT *pro tempore*. The unfinished business will come up at the expiration of the morning hour, at eleven o'clock.

Mr. FRELINGHUYSEN. It is necessary that that bill should go to the House. I have no personal interest in it. It is a matter that affects every member of the Senate, and I think it will take no more time now than it will at any other period. I do not think it will occupy more than half an hour, and I hope we shall proceed with it at once.

Mr. WASHBURN. These two private bills will not take a minute.

Mr. FRELINGHUYSEN. So it was last night when to accommodate everybody I gave way, and consequently the bill was passed over.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from New Jersey will come up of its own force at eleven o'clock.

Mr. FRELINGHUYSEN. I should like it to come up by force of a vote before that so that it may be passed before that time.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Massachusetts being before the Senate, the Senator from New Jersey moves to postpone the same and proceed to the consideration of the Utah bill.

Mr. WASHBURN. I hope that will not be done.

Mr. HAMLIN. Mr. President, there is a resolution upon the table reported by the Committee on Foreign Relations in regard to peace, proclaiming peace and good will to all men. It is not legislative; but there is to be a peace convention held during the recess of Congress, and it is very desirable that we should have an expression of this body upon the resolution which has been submitted. It is a simple resolution in accordance with the doctrines laid down in the treaty of Washington. I ask that that resolution may be taken up and passed. I think it will take no time.

The PRESIDENT *pro tempore*. The question before the Senate is on the motion of the Senator from New Jersey.

Mr. HAMLIN. I ask unanimous consent to take up the resolution I have referred to.

Mr. FRELINGHUYSEN. I withdraw my motion for the present. The PRESIDENT *pro tempore*. The bill indicated by the Senator from Massachusetts being before the Senate, the Senator from Maine asks unanimous consent to proceed to the consideration of the resolution named by him.

Mr. WASHBURN. I hope not.

Mr. HAMLIN. It will not take a minute.

Mr. WASHBURN. It will not take a minute to pass this bill.

Mr. HAMLIN. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1410) to fix the salaries of the clerks of the United States armory, in Springfield, Massachusetts. It provides that hereafter in lieu of the compensation now allowed to the clerks at the United States armory in Springfield, Massachusetts, including fuel and quarters, there shall be paid to each an annual salary of \$1,650.

Mr. ROBERTSON. I should like to have this matter explained. Are the clerks there entitled to more pay than at any other place?

Mr. WASHBURN. The Senate will not object, I am sure. This bill does not give them any more pay than they receive now, and does not raise their pay; but they are entitled to fuel and quarters, and the officers at the armory sometimes want to use the quarters which they have. This bill merely provides that the clerks shall receive this pay instead of the fuel and quarters, if the superintendent has not the quarters to give them. He wishes to give the quarters to the officers. The bill is recommended by the superintendent of the armory, and also recommended by the Ordnance Department here. It gives no increase of pay, and only makes this provision when the superintendent cannot furnish the quarters to the clerks.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. WASHBURN. There is a pension bill I should like to have passed, Senate bill No. 862.

There being no objection, the bill (S. No. 862) granting a pension to Margaret S. Hastings, was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret S. Hastings, widow of Charles B. Hastings, late a private in Company E, Forty-fifth Regiment Massachusetts Volunteers, and for paying her arrears of pension from the date of the death of her husband to the time her present pension commenced.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### APPROPRIATION COMMITTEES.

Mr. MORRILL, of Maine. I have a resolution relating strictly to the public service which will take but a moment. The Secretary of the Treasury desires its passage, and I ask for its present consideration:

*Resolved, (the House of Representatives concurring.)* That the Committees on Appropriations of the two Houses of Congress be authorized to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service, and the estimates of appropriations, and the appropriation bills.

The resolution was considered by unanimous consent, and agreed to,

#### INTERNATIONAL ARBITRATION.

Mr. HAMLIN. Now I ask unanimous consent to take up the resolution to which I have referred.

There being no objection the Senate proceeded to consider the following resolution reported from the Committee on Foreign Relations on the 9th of June:

*Resolved*, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

The resolution was agreed to.

#### REPORTS OF PRINTING COMMITTEE.

Mr. ANTHONY, from the Joint Committee on Printing, to whom were referred the following resolutions and memorials, asked to be discharged from their further consideration; which was agreed to:

Resolutions of the House of Representatives to print additional copies of the report of the Commissioner of Agriculture for the years 1872 and 1873;

A memorial of the executive committee of the board of commissioners of pilotage of New Jersey, remonstrating against the passage of Senate bill No. 675 providing for the abolition of the present system of compulsory pilotage;

A resolution of the House of Representatives instructing the Joint Committee on Printing to inquire as to whether the Government Printing Office cannot be dispensed with;

A memorial of the employing printers of Washington remonstrating against printing by the Government Printing Office;

A memorial of citizens of Buffalo, New York, to fix the cost and price list of all publications under laws of Congress;

A resolution to print seventy-five hundred copies of the report of the Smithsonian Institution for the year 1873, with the amendment of the House of Representatives thereto;

A memorial of journeymen bookbinders of Washington, District of Columbia, protesting against a reduction of their wages;

A memorial of journeymen pressmen (letter-press printers) of Washington, District of Columbia, protesting against a reduction of their wages;

A memorial of the journeymen printers of Washington, remonstrating against the reduction of the wages of the journeymen printers at the Government Printing Office; and

A resolution offered by Mr. MORRILL, of Maine, instructing the Committee on Printing to inquire into the cost of reporting and printing the debates of Congress as the same is now being done.

#### RAYMOND'S MINING REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print additional copies of Professor Raymond's report on mining statistics, have instructed me to report back the same with an amendment and to recommend its passage.

There being no objection the Senate proceeded to consider the resolution.

The amendment reported by the Committee on Printing was to make the resolution read:

*Resolved by the House of Representatives, (the Senate concurring.)* That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed twenty-two hundred and fifty copies, of which one thousand copies shall be for the use of the Treasury Department, two hundred and fifty for the use of the Commissioner, and one thousand copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent. by the Congressional Printer.

The amendment was agreed to.

The resolution as amended was concurred in.

#### MORSE MEMORIAL SERVICES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution of the House of Representatives to print five thousand copies of the memorial services held in the Hall of the House of Representatives April 16, 1872, on the occasion of the death of the late Samuel F. B. Morse, have instructed me to report back the same with an amendment. That amendment is that the proceedings be printed.

Mr. SHERMAN. They have already been printed in the Congressional Globe, I suppose.

Mr. ANTHONY. They were not proceedings of the body; they were proceedings held in the Hall of the House.

Mr. SHERMAN. I do not think we ought to do it.

Mr. ANTHONY. Being objected to, it goes over.

The PRESIDENT *pro tempore*. The resolution will be laid over.

#### EDUCATION REPORT.

Mr. ANTHONY. I reported a resolution yesterday to print the report of the Commissioner of Education. Our amendment was non-concurred in by the House of Representatives and a committee of conference asked. I thought it was so late that we had better have the sense of the Senate upon it. The Senate can either recede from its amendment or insist upon it without debate.

Mr. SHERMAN. I move that the Senate insist on its amendment.

Mr. ANTHONY. And grant the conference?

Mr. SHERMAN. The House probably will agree to our proposition.

Mr. ANTHONY. It would hardly be courteous to insist and refuse a conference.

Mr. SHERMAN. I have no objection if the Senator thinks it worth while.

Mr. ANTHONY. I move then that the Senate insist on its amendment and agree to the committee of conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. ANTHONY, HOWE, and SAULSBURY were appointed.

#### COMMITTEE ON PRINTING.

Mr. ANTHONY. Congress has imposed upon the Committee on Printing duties which cannot be discharged during the session of Congress, requiring their supervision of printing that goes on during the recess. For that purpose, and not with any desire to hold meetings, but that we may exercise the authority which Congress imposes upon us, I offer the following resolution:

*Resolved by the Senate, (the House of Representatives concurring,) That the Joint Committee on Public Printing is hereby authorized to sit during the coming recess of Congress.*

The resolution was agreed to.

Mr. ANTHONY. Now, not knowing what will be the fate of this resolution, I move that the Committee on Printing on the part of the Senate have leave to sit during the recess.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. HENRY H. STARKWEATHER of Connecticut, and Mr. JAMES B. BECK of Kentucky, managers at the same on its part.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, and to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 733) regulating gas-works.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 436) for the relief of Lieutenant John Shelton;

A bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name;

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities;

A bill (S. No. 252) to remove the disabilities of John Julius Guthrie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York;

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

A bill (S. No. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8152;

A bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

A bill (S. No. 552) to refund to E. & J. Koch certain customs duties;

A bill (S. No. 875) for the relief of Thomas Hughes;

A bill (S. No. 849) to prevent hazing at the Naval Academy; and

A bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

#### JESSE F. MOORE AND CHARLES W. LEWIS.

Mr. MERRIMON. I ask to be allowed to call up an unobjected case which will not take a minute. It is House bill No. 2990.

There being no objection, the bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Jesse F. Moore and Charles W. Lewis \$1,041.06, in full pay and satisfaction for a lot of tobacco improperly seized at Macon, Georgia, in November, 1867, from Jesse F. Moore, and sold January 31, 1868, by J. C. McBurny, acting as collector of internal revenue, and the proceeds of which have been covered into the Treasury.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### TARIFF AND TAX BILL.

Mr. SHERMAN. In regard to the tariff bill, (H. R. No. 3572,) as it

is perfectly manifest that we cannot do anything further with it now, I move that it be postponed till the first Monday in December next. The motion was agreed to.

#### WASHINGTON AND GEORGETOWN RAILROAD.

Mr. ROBERTSON. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, to report the same without amendment and ask that it be put on its passage. There will be no objection to the bill, I feel confident.

Mr. SPENCER. I shall be obliged to object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

#### SALE OF INDIAN LANDS.

Mr. INGALLS. I move to proceed to the consideration of House bill No. 3352, reported from the committee of conference.

The motion was agreed to; and the bill (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas was considered as in Committee of the Whole.

Mr. SHERMAN. Is that bill subject to objection?

The PRESIDENT *pro tempore*. It is not.

Mr. BUCKINGHAM. I hope there will be no objection.

Mr. SHERMAN. I think that before a bill of this kind, involving we know not how much land, changing our whole land laws, allowing land to be sold on credit, is passed it is due to the Senate, at this period of the session, that it should be fully understood no bill should pass now unless it is perfectly manifest on the face of the bill that it should pass. I ask for an explanation.

Mr. INGALLS. This matter has been fully examined by both committees in the House and Senate at this session. The bill receives the commendation of the Department on Indian Affairs, and is open to no objection whatever on the ground that the Senator mentions.

Mr. SHERMAN. The Senator ought to be prepared then to tell us, either by a written or verbal statement, the number of acres.

Mr. INGALLS. There is a report accompanying the bill which may be read, but there certainly can be no objection to the consideration of the bill.

Mr. SHERMAN. I ask for the reading of the report.

Mr. SCOTT. It is entirely manifest that the only fair and just mode of proceeding this morning is to take up the Calendar under the Anthony rule and proceed with unobjected cases; otherwise there is nothing but a scramble for the floor; and therefore I move to postpone this bill and proceed with the Calendar under the Anthony rule.

Mr. MORRILL, of Vermont. I hope the Senator from Pennsylvania will allow me to call up Senate bill No. 937, a bill of a public nature, in relation to the market company here, and pass it. It will take no longer than it will to read the bill.

Mr. SCOTT. I have no control over it. There are House bills that I should like to have passed of a public nature also, but I desire to get something done.

Mr. INGALLS. There is a question pending, I believe.

Mr. BUCKINGHAM. I beg leave to say a word on the question before the Senate. If I remember the facts connected with this bill, they are simply these: By law provision was made for the sale of these lands some two or three years ago. Under that provision of law a few lands have been sold, and those that have been have not been paid for; and this is a mere extension of time for the payment of those lands. Am I not substantially right?

Mr. INGALLS. That is correct.

Mr. BUCKINGHAM. I hope no one will object to it.

Mr. SHERMAN. If the report is here let it be read.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania to postpone the bill and take up the Calendar of unobjected cases.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be read.

Mr. BOUTWELL. Now I move that we take up only House bills in the first place.

The PRESIDENT *pro tempore*. Is there objection to that suggestion?

Mr. STEWART. I object. Let us go on with the Calendar regularly.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

#### JOAB BAGLEY.

The PRESIDENT *pro tempore*. The first House bill on the Calendar at the point where the Calendar was last left off will be reported.

The bill (H. R. No. 294) for the relief of Joab Bagley was considered as in Committee of the Whole.

The preamble recites that it is alleged that on the 30th of September, 1858, under and by virtue of an act of Congress approved March 3, 1855, land warrant No. 95,116, for one hundred and twenty acres of land, was issued to one James McDadory, and by him afterward duly sold and assigned to Joab Bagley, a citizen of Jefferson County, Alabama, who, on the 21st of September, 1862, located the land warrant in the purchase of the southwest quarter of the southwest quarter and the south half of the northeast quarter of section



6, township 18, range 2 west, in the Tuscaloosa land district, Alabama; which location is alleged to have been made in good faith, but under a law (or pretended law) of the State of Alabama, authorizing the location of land warrants in that State; that it is alleged that the land-warrant has been lost or destroyed, and that the same has not been returned to or filed in the office of the Commissioner of the General Land Office, but that notice of the loss thereof has been given to the Commissioner. The bill therefore provides that upon the payment, by Bagley, of the minimum price to the proper officer of the Government of the United States for the land named, estimating the warrant at its value, \$1.25 per acre, the balance to be paid in cash, the title be confirmed in Bagley, his heirs and assigns.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### CIVIL-SERVICE EXAMINATIONS.

The next business on the Calendar was the joint resolution (H. R. No. 51) in relation to civil-service examinations.

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. The resolution will be laid aside.

#### LANDS IN SCOTT COUNTY, MISSOURI.

The next House bill on the Calendar was the bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands to the county of Scott, in the State of Missouri; which was considered as in Committee of the Whole.

The preamble recites that by the act of Congress entitled "An act to quiet the title to certain lands in the State of Missouri," approved December 27, 1872, certain lands therein mentioned were granted to the county of Scott, in the State of Missouri, which were not specifically described, and that no provision for the issuance of a patent was made in the act. The bill, therefore, makes it the duty of the Commissioner of the General Land Office to cause a patent to be issued to the county of Scott, in the State of Missouri, for all the lands included in that portion of township No. 27 north, of range 12 east of the fifth principal meridian, lying east of Settle River, as the same appears on the plat of survey on file in the General Land Office.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### JAMES L. COLLINS'S SURETIES.

Mr. CONOVER. I have been trying for the past month with all the patience and modesty I possessed to get the attention of the Senate to two or three little unimportant bills that can be passed without objection, and I hope the Senate will allow me the privilege of calling them up now.

Mr. BOUTWELL. I wish to do the same thing myself.

Mr. CONOVER. The Senate knows that I have occupied its attention but very little, and I hope it will lay aside the regular order and allow me to call up two or three bills that are unobjected to.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The next bill will be reported.

The next House bill on the Calendar was bill (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased; which was considered as in Committee of the Whole.

The first section releases Hamilton G. Fant, William Craig, John S. Watts, Vincent St. Vrain, and William W. Mills, sureties of James L. Collins, deceased, upon his official bond as late receiver of public moneys and as designated depository at Santa Fé, New Mexico, their heirs and legal representatives, from all liability on the bond, and from the judgment recovered thereon in favor of the United States.

The second section authorizes the Secretary of the Treasury, on final adjustment and settlement of the accounts of James L. Collins, deceased, late receiver and United States designated depository of public moneys at Santa Fé, New Mexico, to pass to his credit the amount of money stolen from the United States depository at Santa Fé, New Mexico, after the murder of Collins, on the night of June 5, 1869, and for which a judgment was recovered in the district court of New Mexico in favor of the United States against Collins's sureties, or part of them, for \$32,561.03, and \$6,032.32 interest; and to pay to his legal representatives such sum, not exceeding \$1,168.18, as may be shown to have been due and owing Collins at the time of his murder.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### OSAGE INDIAN LANDS.

The next House bill on the Calendar was the bill (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas; which was considered as in Committee of the Whole. By its terms all actual settlers upon the Osage Indian trust and diminished reserve lands in the State of Kansas will be allowed one year from the passage of the act in which to make proof and payment; but all purchasers who avail themselves of this provision are to pay interest on the purchase-price of their lands at the rate of 5 per cent. from the date when payment was required by previous laws to the date of actual payment.

The Committee on Indian Affairs reported an amendment to add to the bill the following proviso:

And provided further, That no further extension of payment shall be granted than that provided for in this act, and that all occupants now upon said Osage

lands shall file their application to purchase the lands occupied by them within three months after the passage of this act, or forfeit all right or claim to the same.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

The message also announced that the House had passed the bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

#### FEMALE ORPHAN ASYLUM.

The next House bill on the Calendar was the bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828; which was considered as in Committee of the Whole. It proposes to amend section 3 of an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828, so as to authorize these corporations, or either of them, to increase the annual income of property acquired or to be acquired by either to a sum not exceeding \$25,000 per annum.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### COLUMBIA RAILWAY COMPANY.

The next bill on the Calendar was the bill (H. R. No. 3154) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871.

Mr. ANTHONY. Is there not an error in that bill? I notice the date of a law is given as at a time when I think Congress was not in session—May 24, 1871.

Mr. STEWART. I should like to have some explanation of the bill. What is meant by "noiseless propelling power?"

Mr. HITCHCOCK. I object to its consideration.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### JOSEPH J. PETRI.

The next House bill on the Calendar was the bill (H. R. No. 1579) for the relief of Joseph J. Petri.

Mr. SCOTT. That will lead to discussion. I object to it.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### CORNELIUS S. UNDERWOOD.

The next House bill on the Calendar was the bill (H. R. No. 1193) for the relief of the estate of Cornelius S. Underwood, deceased, late major and additional paymaster United States Army.

Mr. HITCHCOCK. I object to that.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### WILLIAM GREEN.

The next House bill on the Calendar was the bill (H. R. No. 3176) for the relief of William Green.

Mr. ROBERTSON. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### JAMES LILLIE.

The next House bill on the Calendar was the bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri; which was considered as in Committee of the Whole. It directs the Auditor of the Treasury for the Post-Office Department to credit, in the account of James Lillie, as postmaster at Lisbonville, Ray County, Missouri, the sum of \$22.26, being the value of stamps and stamped envelopes destroyed by fire in that post-office on the 19th of January, 1873, without negligence on the part of the postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PROTECTION OF LINES OF TELEGRAPH.

The next House bill on the Calendar was the bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; which was considered as in Committee of the Whole. It declares that any person or persons who shall willfully or maliciously injure or destroy any of the works or property or material of any telegraphic line constructed and owned, or in process of construction, by the United States, or that may be hereafter constructed and owned or occupied and controlled by the United States, or who shall willfully or maliciously interfere in any way with the working or use of any such telegraphic line, or who shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such telegraphic line, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States having jurisdiction, shall be punished by a fine of not less than \$100 nor more than \$1,000, or with imprisonment for a term not exceeding three years, or with both, in the discretion of the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HENDERSON.

The next House bill on the Calendar was the bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans.

Mr. HITCHCOCK. I object to that; it was reported adversely. The PRESIDENT *pro tempore*. The bill will be laid aside.

GEORGE A. SCHREINER.

The next House bill on the Calendar was the bill (H. R. No. 2097) for the relief of George A. Schreiner.

Mr. SPRAGUE. That is reported adversely also. Let it go over.

Mr. MORRILL, of Vermont. That bill might as well be indefinitely postponed.

Mr. WRIGHT. It had better remain on the Calendar. The Senator from Kansas [Mr. HARVEY] has it in charge.

BURKE & KUNKEL.

The next House bill on the Calendar was the bill (H. R. No. 2349) for the relief of Burke & Kunkel; which was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Burke & Kunkel \$3,849, being amount of pig-iron taken by the agent of the Treasury Department by mistake as Confederate property, July 18, 1865, and being the net proceeds covered into the Treasury of the United States to the credit of the captured and abandoned property fund.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA ELDIS.

The next House bill on the Calendar was the bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mrs. Louisa Eldis, of Sandusky, Ohio, \$691.83, in full compensation for losses sustained by the occupancy of her stone building in Sandusky, Ohio, by the One hundred and third Regiment of New York Volunteers during the months of January, February, March, and April, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. CAROLINE WEBSTER.

The next House bill on the Calendar was the bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. Caroline Webster, widow of Lucius H. Webster, late a private in Company H, Seventh Regiment Michigan Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES COATS.

The next House bill on the Calendar was the bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; which was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to James Coats, of Jackson, Mississippi, \$985.70, in full for labor and repairs and materials and furniture furnished to the United States court-house at Jackson, Mississippi.

The bill was reported from the Committee on Claims with an amendment in line 6 to strike out "\$936.70" and insert "\$500."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. MORRILL, of Maine, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the amendments of the Senate numbered 7, 14, 15, 30, 32, 39, 44, 46, 49, 50, 51, 52, 54, 59, 70, 80, 84, 86, 89, 96, 101, 102, 103, 104, 106, 114, and 121.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 26, 27, 31, 38, 40, 43, 47, 48, 53, 55, 60, 64, 66, 73, 78, 83, 85, 88, 90, 91, 92, 93, 98, 100, 105, 107, 108, 109, 110, 112, 113, 115, 117, and 118; and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out after the word "clerks" in line 3 of said amendment all down to the end of line 4, and strike out "sixteen thousand one" and insert in lieu thereof "thirteen thousand seven;" and the Senate agree to the same.

That the House recede from their amendments to the amendments of the Senate numbered 9, 10, and 81, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment numbered 13, and agree to the same with an amendment as follows: After the word "necessary" in line 4 of said House amendment add the following: "for the folding-room of the House;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the words:

"Provided, That the same shall be erected under a contract, the amount to be paid under which shall not exceed \$40,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment striking out the word "fifteen" and inserting in lieu thereof the word "ten;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 22, and agree to the same with an amendment as follows: After the word "five" in line 9 of said amendment add the words "and for temporary clerks in the Treasury Department, \$40,000;" and strike out the word "this" at the end of the line, and insert the word "these" and add to the word "amount" at the beginning of line 10, the letter "s," and at the end of said amendment add the following: "and so much as may be necessary to enable the Secretary of the Treasury to carry into effect the joint resolution for the relief of certain clerks and employees of the United States, approved June 22, 1874, is hereby appropriated;" and the House agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendments numbered 28 and 76, and agree to the same.

That the House recede from their disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 45, and agree to the same.

That the House recede from their disagreement to the amendment numbered 63, and agree to the same with an amendment substituting the word "Neversink" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from their amendment numbered 63, with an amendment substituting for the word "Neversink" in line 8, page 27 of the bill, the word "Neversink;" and the House agree to the same.

That the House recede from their amendment to the amendment numbered 77, and agree to the same.

That the House recede from their amendment to the amendment numbered 79, and agree to the same.

That the House recede from their disagreement to the amendment numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "available" in line 5 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 94, and agree to the same with an amendment as follows: Strike out the words "one hundred" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out of said amendment all after the word "for" in line 21 down to and including the word "enlarge" in line 3, and substitute the word "of" in lieu of "for" in same line, and strike out the words "and perfect the central building" in line 4, and strike off the letter "s" from the word "accommodations" in line 3; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 99, and agree to the same with an amendment as follows:

Insert in lieu of the proposed words the following as a substitute:

Provided, That the said building may be built of stone, and its cost, exclusive of the cost of site, shall not exceed \$200,000.

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 111, and agree to the same with an amendment as follows: Add at the end of the amendment the words "which shall be the entire cost of said building;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out in line 6 of the amendment the word "the" and insert in lieu thereof the word "such," and strike out lines 7, 8, 9, and 10 of the amendment and insert in lieu thereof the following: "As the Secretary of the Navy may deem necessary for the public service."

That the House recede from their disagreement to the amendment numbered 113, and agree to the same with an amendment as follows: After the word "restrictions," in line 6 of said amendment, insert the words "as to materials;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 116, and agree to the same with an amendment as follows: Strike out the word "five," in line 3 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 119, and the Senate recede from that portion of their amendment which proposes to insert new matter; and the House and Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 120, and agree to the same with an amendment as follows: Strike out the word "five," in line 10 of said amendment, and insert in lieu thereof the word "four;" and the Senate agree to the same.

LOT M. MORRILL,

A. A. SARGENT,

J. W. STEVENSON,

Managers on the part of the Senate.

JAMES A. GARFIELD,

EUGENE HALE,

WILLIAM E. NIBLACK,

Managers on the part of the House.

The report was concurred in.

E. L. WINDER.

The bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities was considered as in Committee of the Whole. It provides that all the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States on E. L. Winder and A. W. Stark, citizens of Norfolk, Virginia, late lieutenants in the United States Navy, are removed.

The bill was reported from the Committee on the Judiciary with an amendment in line 4 to strike out the words "legal and;" in line 6 to strike out the words "and A. W. Stark, citizens;" and in line 7 to strike out "lieutenants" and insert "lieutenant;" so as to read:

That all the political disabilities imposed by the fourteenth amendment of the Constitution of the United States on E. L. Winder, of Norfolk, Virginia, late lieutenant in the United States Navy, be, and the same are hereby, removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill be read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

The title was amended so as to read, "A bill to relieve E. L. Winder of his political disabilities."

Mr. SPRAGUE. I move that the morning hour be extended half an hour.



Several SENATORS. Extend it an hour.

Mr. SPRAGUE. I do not object to that.

Several SENATORS. I object.

Mr. DAVIS. Is the motion in order?

The PRESIDENT *pro tempore*. The Chair thinks the motion is in order.

Mr. RAMSEY. On the same matter the Chair once ruled that a single objection would carry it over.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to extend the morning hour one hour. The motion was agreed to.

RICHARD T. ALLISON.

The next House bill on the Calendar was the bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out the words "all legal" and insert "the," so as to read:

That the political disabilities imposed, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill be read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

SARDINE G. STONE.

The next House bill on the Calendar was the bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment in line 3, to strike out the word "all," and in line 4 to strike out "and legal" and insert "the," so as to read:

That the political disabilities, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

J. W. BENNETT.

The next House bill on the Calendar was the bill (H. R. No. 3091) to release J. W. Bennett from political disabilities; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to insert after the word "all," in line 3, the word "political," so as to read:

That all political disabilities imposed, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

L. L. LOMAX.

The next House bill on the Calendar was the bill (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senate voting in favor thereof.

GEORGE E. PICKETT.

The next House bill on the Calendar was the bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia; which was considered as in Committee of the Whole.

The bill removes all political disabilities imposed upon George E. Pickett, of Richmond, Virginia, by the act of July 2, 1862, and the fourteenth amendment to the Constitution of the United States.

Mr. FRELINGHUYSEN. I move to strike out the words "the act of July 2, 1862, and."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

A. S. TAYLOR.

The next House bill on the Calendar was the bill (H. R. No. 3027) to remove the disabilities of Van Ranselaar Morgan, Thomas M. Jones, and Charles M. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments in line 3 after "that," to strike out the word "all;" in

line 4 strike out the words "legal and;" in lines 5, 6, and 7, strike out the words "Van Ranselaar Morgan, Thomas M. Jones, and Charles M. Fauntleroy, citizens of the State of Virginia and on;" so as to read:

That the political disabilities imposed by the fourteenth amendment to the Constitution of the United States on A. S. Taylor, a citizen of the State of Maryland, be, and the same are hereby, removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

The title was amended so as to read: "A bill to remove the political disabilities of A. S. Taylor, of Maryland."

JOSEPH WHEELER.

The next House bill on the Calendar was the bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment in line 4, to strike out the words "legal and."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

The title was amended so as to read: "A bill to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution."

GEORGE N. HOLLINS.

The next House bill on the Calendar was the bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in lines 3 and 4 to strike out the words "all legal and" and insert "the;" so as to read:

That the political disabilities imposed, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

STAMPING OF DOCUMENTS.

The next House bill on the Calendar was the bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers; which was considered as in Committee of the Whole. It provides that all instruments, documents, and papers heretofore made, signed, or issued, and subject to a stamp duty or tax under any law heretofore existing, and remaining unstamped, may be stamped by any person having an interest therein, or, where the original is lost, a copy thereof, at any time prior to the 1st of January, 1878. Such instruments, documents, and papers, and any record thereof, shall be as valid, to all intents and purposes, as if stamped when made, signed, or issued; but no right acquired in good faith before the stamping of such instrument, document, or paper, or copy thereof, shall in any manner be affected by such stamping.

The bill was reported from the Committee on Finance with amendments.

The first amendment of the committee was in line 9 to strike out "1878" and insert "1876," so as to read "at any time prior to the 1st of January, 1876."

The amendment was agreed to.

The next amendment was in lines 12 and 13, after the word "faith," to strike out the words "before the stamping of such instrument, document, or paper, or copy thereof;" so as to read:

But no right acquired in good faith shall in any manner be affected by such stamping as aforesaid.

The amendment was agreed to.

The next amendment was to insert at the end of section 1 the following proviso:

Provided, That to render such stamping valid, the person desiring to stamp the same shall appear with the instrument, document, or paper, or copy thereof, before some judge or clerk of a court of record, and before him affix the proper stamp; and the said judge or clerk shall indorse on such writing or copy a certificate, under his hand when made by said judge, and under his hand and seal when made by said clerk, setting forth the date at which, and the place where, the stamp was so affixed, the name of the person presenting said writing or copy, the fact that it was thus affixed, and that the stamp was duly canceled in his presence.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. I call for the regular order.

Mr. DAVIS. The morning hour has been extended by a vote of the Senate.

The PRESIDENT *pro tempore*. The morning hour has been extended one hour by a vote of the Senate.

Mr. FRELINGHUYSEN. I rise to a point of order, that that cannot be done; that it requires one day's notice to change a rule of the Senate.

The PRESIDENT *pro tempore*. That objection would have been considered if made when the motion was made to extend the morning hour, but it was not.

Mr. FRELINGHUYSEN. I did object when the motion was made. The PRESIDENT *pro tempore*. The Chair did not hear the objection.

Mr. FRELINGHUYSEN. The Chair I think stated that one objection was made and then put the vote.

The PRESIDENT *pro tempore*. The Chair understood a single objection was made and then put the vote; but the Chair did not understand the Senator to raise any point of order.

Mr. FRELINGHUYSEN. The point of order could not properly be made until I had an opportunity to call up the bill.

The PRESIDENT *pro tempore*. If the motion was out of order the Senator should have raised the point of order when the motion was made. The Senator not having done so then, it is too late to raise the point of order now. The next House bill on the Calendar will be reported.

#### JOHN FORSYTH.

Mr. GORDON. There is a House bill removing the disabilities of John Forsyth, of Alabama, which I desire taken up. I wish to state to the Senate that by mistake of the Judiciary Committee the Senate bill was reported instead of the House bill. They were both before the committee and the committee's intention was to report the House bill, but instead of that they reported the Senate bill, and I simply ask to substitute the one for the other.

The PRESIDENT *pro tempore*. When the bill has been reached on the Calendar the Senator can make that motion.

Mr. GORDON. It has been reached and passed this morning. It is House bill No. 2702.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to substitute the House bill which is in the same language as the Senate bill which was passed this morning. Is there objection? The Chair hears none.

The bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities was read.

Mr. SPENCER. I object to the consideration of that bill.

Mr. GORDON. It is a mere matter of form, and the committee unanimously recommend it.

The PRESIDENT *pro tempore*. Is there objection to substituting this bill in place of the one passed this morning?

Mr. SPENCER. I object.

Mr. GORDON. Then I appeal to the Senate to move that this bill be substituted for the other. The whole committee have recommended it unanimously.

Mr. CLAYTON. There has been no such bill passed.

Mr. GORDON. It is a mere matter of form.

The PRESIDENT *pro tempore*. The Senator from Georgia is mistaken as to matter of fact. The Senate bill did not pass the Senate.

Mr. GORDON. The Chair misunderstood me. The committee intended to report the House bill. They were both before the committee, and they by mistake reported the Senate bill.

The PRESIDENT *pro tempore*. Is there objection to the passage of this bill?

Mr. SPENCER. We are proceeding under the Anthony rule, as I understand, and a single objection will carry the bill over. I object to its consideration.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### JOHN J. HAYDEN.

The next House bill on the Calendar was the bill (H. R. No. 2798) for the relief of John J. Hayden, which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John J. Hayden \$150 in full compensation for services rendered by him for the United States in the year 1864, in the office of John H. Farquhar, captain in the Nineteenth Regiment United States Infantry, and mustering and disbursing officer at Indianapolis, Indiana, in relation to the draft accounts of that State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OLIVER P. MASON.

The next House bill on the Calendar was the bill (H. R. No. 763) for the relief of Oliver P. Mason, which was considered as in Committee of the Whole. It appropriates \$787.50 for the payment of Oliver P. Mason for services rendered as assistant provost-marshal in the Department of Kansas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOLMES WIKOFF.

The next House bill on the Calendar was the bill (H. R. No. 3006) authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy.

Mr. EDMUNDS. What committee reported that?

The PRESIDENT *pro tempore*. The Committee on Naval Affairs.

Mr. EDMUNDS. Is there a report?

Mr. CLAYTON. I object to the consideration of the bill.

Mr. CONOVER. I hope that bill will not be laid aside. There is no objection to it. It was reported unanimously by the Naval Committee. It does not require any report. It simply authorizes the President to nominate Mr. Wikoff an assistant surgeon in the Navy.

The PRESIDENT *pro tempore*. Is the objection withdrawn? The objection is not withdrawn. The next bill on the Calendar will be reported.

#### WILLIAM I. BLACKISTON.

The next House bill on the Calendar was the bill (H. R. No. 554) for the relief of William I. Blackiston, of Saint Mary's County, Maryland, which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William I. Blackiston \$972, in full for services as a board of trade, in Saint Mary's County, Maryland, from December 15, 1862, to September 15, 1863.

Mr. EDMUNDS. "For services as a board of trade?" I think that ought to have some explanation.

Mr. SCOTT. I will explain that, and I hope there will be no objection to this bill. That man is the shadow of a former vigorous man. His property was devoted to the Union cause in Maryland, and he was appointed an agent for the purpose of preventing contraband trade under the regulations of the Treasury Department. Fees were authorized to be given to him for the services he rendered, but they amounted only in the course of this time to about twenty-five or thirty dollars. In an application made to the Treasury Department for pay this amount was recommended to be paid, and it is but a small part of the compensation for the money actually expended in attempting to do the duties of the office. I think he ought to have it without any endeavor to make any special appeal for it.

Mr. EDMUNDS. The Senator does not need to make any special appeal but just state the facts. We do not go by appeals, but go by facts, as I understand.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COMMERCE BY RAILROAD AMONG THE STATES.

The next House bill on the Calendar was the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

Mr. CLAYTON. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### IMPORTATION OF ANIMALS.

The next House bill on the Calendar was the bill (H. R. No. 3500) to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty.

Mr. HITCHCOCK. I object.

Mr. SCOTT. Let me state to the Senator that objection was made when this bill was formerly reached, and I was authorized by the Committee on Finance to report a general bill covering such cases, which I move as a substitute for that bill.

Mr. EDMUNDS. Let us hear it read, subject to objection.

Mr. SCOTT. I am authorized to report a substitute, to remove the objection of its being a special bill.

The CHIEF CLERK. It is proposed to amend the bill so that it will read:

That all wild animals, birds, and reptiles which shall be imported into the United States by any association duly authorized under the laws of the United States, or any State, for the promotion and encouragement of natural science, in good faith, for exhibition upon its own ground only, and not for sale, shall be admitted without the payment of duty, or of customs' fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That in case any animal, bird, or reptile imported under the provisions of this act shall, within three years from the date of its importation, be sold, it shall be subject to the duties, if any, imposed on such object by the revenue laws in force at the date of importation.

Mr. ROBERTSON and others. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### STEAMER CLARA DOLSEN.

The next House bill on the Calendar was the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen; which was read.

Mr. EDMUNDS. Is there a report in that case?

Mr. SARGENT. Yes, sir; there is a report from the Naval Committee.

Mr. EDMUNDS. Was the Clara Dolsen used by the Navy Department?

Mr. SARGENT. During the war she belonged to loyal citizens and was seized by the confederate forces and recaptured.

Mr. EDMUNDS. I think that bill had better go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 169) for the relief of Marcus Otterbourg, late consul



of the United States at the city of Mexico and minister to the republic of Mexico; and

The bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned; and it was thereupon signed by the President *pro tempore*.

#### HOMESTEADS TO ACTUAL SETTLERS.

The next House bill on the Calendar was the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain.

Mr. HITCHCOCK. I object to that.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of that bill.

Mr. HITCHCOCK. That is out of order. Let it go for the present; you cannot get it through.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to postpone the Calendar to proceed to the consideration of this bill.

Mr. EDMUNDS. Is that in order? Was there not unanimous consent that the Calendar of unobjected cases should be proceeded with during the morning hour?

The PRESIDENT *pro tempore*. The Calendar was taken up by a vote of the Senate, and the morning hour was extended one hour by vote of the Senate. The Chair understands that the Senate can now postpone the Calendar and proceed to consider this bill.

Mr. SPRAGUE. This bill has been read through. There are but two amendments upon it. It will not give rise to any debate.

Mr. HITCHCOCK. There are three amendments on this bill that are each of them objectionable to every representative of the western country. I think the bill will certainly give rise to considerable discussion before it can pass.

Mr. INGALLS. It is a very long bill, and it ought to be discussed at least a week. It makes some very important changes.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island insist on his motion?

Mr. SPRAGUE. This measure is in the interest of western Senators, and certainly if they object I will not press the motion. It is no interest of mine.

The PRESIDENT *pro tempore*. The Senator from Rhode Island withdraws his motion.

#### SUITS AGAINST INDIANS.

The next House bill on the Calendar was the bill (H. R. No. 618) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1871, and for other purposes," approved July 15, 1870.

Mr. HITCHCOCK. I object.

Mr. BUCKINGHAM. I hope there will be no objection to that bill. Let it be read for information.

Mr. CLAYTON. There is objection made.

The PRESIDENT *pro tempore*. It will be laid aside on objection.

#### COURTS IN THE DISTRICT OF COLUMBIA.

The next House bill on the Calendar was the bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863; which was considered as in Committee of the Whole. It provides that the justice of the supreme court of the District of Columbia holding a criminal term may, when not engaged in the proper business of the criminal term, hold sittings of the circuit court, and employ the petit juries drawn for the criminal term in the trial of such cases depending in the circuit court as the justice presiding therein may assign to him for that purpose; and the business done at such sittings shall be recorded in the minutes of the circuit court.

Mr. EDMUNDS. That ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### QUORUM OF COURT OF CLAIMS.

Mr. FRELINGHUYSEN. The next House bill on the Calendar is reported adversely from the Committee on the Judiciary by mistake. It is necessary the bill should pass. It is for the regulation of a quorum in the Court of Claims.

The bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856, was considered as in Committee of the Whole.

The bill requires three judges of the Court of Claims to constitute a quorum, and makes the concurrence of three judges necessary to the decision of any case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADMISSION OF NEW MEXICO.

The next House bill on the Calendar was the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. INGALLS. I object. Let it go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

#### INLAND AND SEA-BOARD COASTING COMPANY.

The next House bill was the bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

Mr. CLAYTON. I object to that.

Mr. SPENCER. I hope the Senator will withdraw his objection.

Mr. CLAYTON. Very well; I will withdraw it.

Mr. ROBERTSON. I object to it.

#### SLAUGHTER OF BUFFALOES.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of House bill No. 921 to prevent the useless slaughter of buffaloes within the Territories of the United States.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

Mr. BOREMAN. Is that the regular order?

The PRESIDENT *pro tempore*. It is the next House bill on the Calendar. The bill will be read for information.

The bill was read, as follows:

*Be it enacted, &c.*, That it shall hereafter be unlawful for any person who is not an Indian to kill, wound, or in any manner destroy any female buffalo of any age, found at large within the boundaries of any of the Territories of the United States.

SEC. 2. That it shall be in like manner unlawful for any such person to kill, wound, or destroy in said Territories any greater number of male buffaloes than needed for food by such person, or than can be used, cured, or preserved for the food of other persons or for the market. It shall be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes. Any person who shall violate the provisions of this act shall, on conviction, forfeit and pay to the United States the sum of \$100 for each offense, (and each buffalo so unlawfully killed, wounded, or destroyed shall be and constitute a separate offense,) and on a conviction for a second offense may be committed to prison for a period not exceeding thirty days. All United States judges, justices, courts, and legal tribunals in said Territories shall have jurisdiction in cases of the violation of this act.

Mr. WRIGHT. I should like to have the last clause of the second section read again.

The Chief Clerk again read the bill.

Mr. WRIGHT. The committee who reported this bill certainly do not want to have it passed in this shape.

The PRESIDENT *pro tempore*. Does the Senator object to its consideration?

Mr. WRIGHT. I do not object.

Mr. CLAYTON. The Senator from Iowa can move an amendment to perfect it.

Mr. HARVEY. I move to amend the bill by striking out in lines 3 and 4 the words "who is not an Indian;" so as to read:

That it shall hereafter be unlawful for any person to kill, wound, or in any manner destroy any female buffalo of any age, &c.

Mr. HITCHCOCK. That will defeat the bill.

Mr. FRELINGHUYSEN. That would prevent the Indians from killing buffaloes on their own ground. I object to the bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of that bill.

Mr. SARGENT. I understand the only objection is to the words "not an Indian." Of course those words ought not to be struck out. I think we can pass the bill in the right shape without objection. Let us take it up. It is a very important bill.

Mr. FRELINGHUYSEN. I will withdraw my objection with the understanding those words will not be stricken out.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to postpone the Calendar and proceed to the consideration of the bill indicated by him.

The motion was agreed to; there being on a division—ayes 22, noes 16.

Mr. INGALLS. I hope my colleague will withdraw the amendment.

Mr. SARGENT. It destroys the whole force of the bill.

Mr. INGALLS. Certainly this is a very important bill. Unless some measure of this kind is adopted the entire race of buffaloes will be exterminated in a very few years, and although the bill is not well drawn, it ought to be passed in some shape.

Mr. STEWART. The Indians themselves are much more careful of the buffalo than the whites are, and if you put in a provision that nullifies the bill, it will be charged that the Indians did it, and nobody will be responsible.

Mr. SARGENT. Not only that, but it will deprive the Indians of their food, which ought not to be done.

Mr. STEWART. The Indians will not object to this law. They want the buffalo for food.

Mr. CLAYTON. I simply desire to say that the Committee on Territories gave to this bill careful consideration. They regard the buffalo as the natural herd of the Indian. The Indians depend to a great extent on the buffalo for their food during the winter season, and they are careful and cautious about the destruction of the buffalo. It is

the white man that destroys it. I hope the amendment will be withdrawn.

Mr. HARVEY. I withdraw the amendment.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JEFFERSON W. DAVIS.

The next House bill on the Calendar was the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers.

The Committee on Pensions reported an amendment to strike out at the end of the bill the words "the date of his discharge" and insert "and after the passage of this act."

Mr. FENTON. I hope the amendment will not be concurred in. It is a House bill, and if the amendment is adopted the bill will be lost.

Mr. PRATT. I hope the suggestion of the honorable Senator from New York will not prevail.

Mr. FENTON. Then let the bill lie over without action, for I do not wish to take up time.

Mr. PRATT. Very well.

The PRESIDENT *pro tempore*. The bill will be laid aside.

MICHAEL WEISSE.

The next House bill on the Calendar was the bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased, which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children of Michael Weisse, late of Company K, Ninth Regiment Michigan Infantry, that were under sixteen years of age on the 1st day of October, 1871.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PEKIN ALCOHOL MANUFACTURING COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company; which was considered as in Committee of the Whole.

The Commissioner of Internal Revenue is directed by the bill to enter satisfaction on the export bond for that portion of the distilled spirits of the Pekin Alcohol Manufacturing Company of the State of Illinois said to have been destroyed at Urbana, Ohio, while in transit for export to the port of Genoa, upon proof satisfactory to him, and to the Secretary of the Treasury, of the destruction of the spirits without fraud, collusion, or negligence on the part of the owners.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873; which was considered as in Committee of the Whole.

The Committee on the District of Columbia reported the bill with an amendment to strike out all after the words "Aqueduct bridge," in line 35, as follows:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof to insert:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek, in the valley of said creek, passing west of the P-street bridge, by a tunnel through the hill west of said P-street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. SCOTT. I see indications of an intention to debate the bill, and I object.

Mr. HITCHCOCK. I hope the Senator will not object.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next House bill will be reported.

BALTIMORE STEAM-PACKET COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 1778) granting permission for a railway from the wharf of the Baltimore Steam-Packet Company at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek bridge, in the same county.

Mr. HITCHCOCK. I object.

The PRESIDENT *pro tempore*. It will be laid aside.

INDIAN LANDS IN KANSAS.

The next House bill on the Calendar was the bill (H. R. No. 3352) to further provide for the sale of certain Indians lands in Kansas.

Mr. INGALLS. The Senator from Ohio who objected to this bill before has withdrawn his objections. There is no objection to the passage of the bill.

Mr. CONOVER. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

SENECA-NATION OF INDIANS.

The next House bill on the Calendar was the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

Mr. WEST. That bill is reported adversely, and I object.

The PRESIDENT *pro tempore*. It will be laid aside.

WILLIAM C. BRASHEAR.

The next House bill on the Calendar was the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The bill will be laid aside.

FRANKLIN STONER.

The next House bill on the Calendar was the bill (H. R. No. 2791) granting a pension to Franklin Stoner; which was considered as in Committee of the Whole. It proposes to place the name of Franklin Stoner, late a private in Company G, of the Eighty-fourth Regiment of Pennsylvania Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

IRA DOUTHART.

The next House bill on the Calendar was the bill (H. R. No. 3016) granting a pension to Ira Douthart; which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ira Douthart, late a private in Company D, Thirteenth Regiment Iowa Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

J. E. INGALLS.

The next House bill on the Calendar was the bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa; which was considered as in Committee of the Whole.

The Auditor of the Treasury for the Post-Office Department is by the bill directed to credit the account of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa, with the sum of \$185.44, for postage-stamps stolen from his office on the 3d of September, 1872, without any fault or negligence on his part.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. ANTHONY. It is desirable to have a short executive session before we proceed to the business which comes up at the expiration of the morning hour. I move that the Senate proceed to the consideration of executive business.

Mr. SPRAGUE. Wait till the hour expires.

Mr. ANTHONY. Then it will interfere with the bill of the Senator from New Jersey.

Mr. WEST. We shall be through with the Calendar in a few moments.

Mr. ANTHONY. Very well; I withdraw the motion for the present.

ADMISSION OF COLORADO.

The next House bill on the Calendar was the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. CLAYTON. Let that go over.

Mr. STEWART. No; that is just the thing to pass.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next House bill on the Calendar was the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers and the disposition of the proceeds of the sale.

Mr. STEWART. I move to postpone all other orders and take up the Colorado bill.

Mr. ANTHONY. If anything is coming up except the Calendar I insist on the motion to proceed to the consideration of executive business. It will take but a little while.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

Mr. STEWART. I hope the Colorado bill will be taken up. I believe the time has come when Colorado ought to be admitted. The bill has passed the House and the question is well understood. The whole Senate understands the condition of Colorado. It has now come up to the point where the State is entitled to be admitted. It has about the requisite amount of population, is a grand Territory, and it is time it should be admitted. There cannot be a more appropriate occasion than the present. I hope we shall proceed to consider the bill. This case was here some seven or eight years ago. There was a bill passed then providing for the admission of Colorado. The question has been before the Senate several times and the bill once passed. The Territory has been growing very much since then. It has now got hundreds of miles of railroad and large cities. It has got to be a



Territory that is thoroughly capable of maintaining a State government.

Mr. FRELINGHUYSEN. Is this debate on the merits of the bill in order?

Mr. STEWART. At all events I was going on to say that it is entitled to have consideration.

The PRESIDENT *pro tempore*. Debate on the merits is out of order.

Mr. STEWART. Colorado is entitled to have its bill considered.

The PRESIDENT *pro tempore*. The Senator from Nevada is out of order in discussing the merits of the bill.

Mr. SPRAGUE. I move to lay this motion on the table.

Mr. STEWART. On that motion I call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to postpone the Calendar and proceed to the consideration of the Colorado bill, and the Senator from Rhode Island moves that that motion lie on the table.

Mr. STEWART. Is that in order?

The PRESIDENT *pro tempore*. It is. The Senator from Nevada calls for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY and Mr. FRELINGHUYSEN addressed the Chair.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. ANTHONY. I do not rise to debate it. I rise, in view of the fact that we are going to waste until the expiration of the morning hour in calling the yeas and nays, to move that the Senate proceed to the consideration of executive business. We ought to have a short executive session.

The PRESIDENT *pro tempore*. Pending this motion the Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—yeas 15, nays 34.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Rhode Island [Mr. SPRAGUE] to lay on the table the motion of the Senator from Nevada, [Mr. STEWART.]

Mr. DAVIS. I appeal to Senators to take a division, and not call for the yeas and nays.

The question being taken by yeas and nays resulted—yeas 33, nays 20; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Boutwell, Buckingham, Clayton, Conover, Cooper, Davis, Dennis, Edmunds, Fenton, Flanagan, Frelinghuysen, Goldthwaite, Hagler, Howe, McCrery, Merrimon, Morrill of Vermont, Morton, Norwood, Pease, Pratt, Ramsey, Robertson, Saulsbury, Scott, Sherman, Sprague, Stevenson, Washburn, and Wright—33.

NAYS—Messrs. Alcorn, Allison, Boggs, Ferry of Michigan, Gordon, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Jones, Kelly, Logan, Mitchell, Patterson, Sargent, Spencer, Stewart, Tipton, West, and Windom—20.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Chandler, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hamilton, of Maryland, Hamlin, Johnston, Lewis, Morrill of Maine, Oglesby, Ransom, Schurz, Stockton, Thurman, and Wadleigh—20.

So the motion was agreed to.

#### COURTS IN UTAH.

Mr. FRELINGHUYSEN. I now move that we proceed to the consideration of the Utah bill. I have this statement to make—

Mr. SPRAGUE. We have five minutes yet for the Calendar.

Mr. FRELINGHUYSEN. I have this statement to make—

The PRESIDENT *pro tempore*. The bill will come up in six minutes without any notice.

Mr. FRELINGHUYSEN. I have the floor now and I wish to make my statement. The bill as it will be presented to the Senate will be free from all objection by any one who wants to have order and law in Utah, for I have prepared a series of amendments which will prune the bill of anything that could be objectionable to any one who wants law there. The Attorney-General has written to us. He has told me this morning that you cannot convict any person who is guilty of crime, and that the Territory is in a lawless condition. Now it seems to me that when we have that opinion from the Administration, when the House of Representatives has passed a bill, that it is our duty not to adjourn until we establish law there.

And now I want further to say, that if any member of the Senate thinks that the amendments which I will propose do not render the bill unobjectionable, I will accept any amendments in reference to polygamy and bigamy, so as just to have a bill which establishes law in that Territory as in every other, and with those modifications I think the bill can be passed in ten minutes.

Mr. SARGENT. I wish most earnestly with the Senator that there may be good order in the Territory. I think the proposition the Senator makes to eliminate from the bill anything relating to a disturbing course there, which he mentioned, may facilitate the passage of the bill. I am afraid, and have been for some years past, on account of the high condition of fanaticism of certain people in that Territory, that we might have a civil war there. I know they will go to the wall if that civil war comes. I know that their fertile fields will be plowed with the plowshare of war, and their homes will be devastated; that the thrift, the commendable thrift which now exists throughout the Territory will cease and there will be desolation, because they cannot contend against the Government of the United States; but I also know that they will stand up. I speak from considerable and a somewhat intimate knowledge of the persons and conditions of things in Utah. I believe they will stand up and involve these consequences.

I further think that the progress of time, the influx of gentiles, is wearing away that prejudice, religious or otherwise, on the part of the people of Utah, and is gradually solving this question. I think they are in the condition of an iceberg that has broken from its fastenings in the north and floated down into warmer seas, dissolving on all sides, and that soon this question will disappear from public view, unless you aggravate it by aggressive measures, unless you bring force to bear against them and compel them to resist, and we all know religious wars never succeed or very rarely succeed in putting down the sect against whom they are waged. I think it is better to leave that question to time, as I say; and if these provisions can be eliminated from the bill, and an amendment which I wish to propose, saving the jurisdiction of probate courts, which are the county courts of Utah, to pass upon the matters relative to town sites as is provided by the United States laws in regard to town sites, I will make no opposition to the bill, certainly no factious opposition; I will not attempt to talk against time or embarrass the Senate in any way. With that understanding I have no objection to the bill coming up and being considered.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

Mr. RAMSEY. I hope the Senator from New Jersey will allow the bill to be laid aside informally to take up the post-route bill.

Mr. FRELINGHUYSEN. I have no power to give way to any one and shall not.

Mr. RAMSEY. Then, Mr. President, I will make a last effort to save the post-route bill. I move to lay this bill aside and proceed to the consideration of the post-route bill, which will require some time for its enrollment, in which every one here is more or less interested and for which I am very much importuned both by members of the House and Senate.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to lay aside the present and all prior orders and proceed to the consideration of the post-route bill.

Mr. FRELINGHUYSEN and Mr. HOWE called for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. I simply want to say myself that if we never have another post-route bill in the Senate of the United States, I will try to be content, if it is necessary to forego any more, in order to have that small modicum of legislation which is required in order to commence and prosecute a suit to judgment in any one of the courts of the United States whether within the limits of a State or within the limits of a Territory. You cannot do that to-day in the Territory of Utah; you cannot convict a criminal there; and I think the first work for us to do is to accomplish that labor; and if we cannot accomplish that, as I said before, save at the expense of that very important bill which is in the hands of my friend from Minnesota, I would rather sacrifice that. If the Senate differ from me, I want to know who the individuals are that differ.

Mr. MORTON. There is need for legislation in Utah; there is no doubt about that; but I think there is not time to deal with so delicate and difficult a question as exists there, in the few hours we have left. I am satisfied that this bill will give rise to discussion and that there will be differences of opinion about several provisions in it. I think there is not time, and for one I shall vote for the motion made by the Senator from Minnesota.

Mr. FRELINGHUYSEN. Mr. President, I would say to the Senator from Indiana that I have submitted the bill to those who have been most opposed to it, and I think they will eliminate from it everything that is objectionable, and I will accept the amendments.

Mr. BOUTWELL. It is quite plain that there is no difficulty in passing both bills. We have agreed to adjourn at four o'clock; but no doubt the House will concur in a resolution extending the time to ten or twelve this evening, or until twelve to-morrow, and either of these bills is of sufficient importance not only to justify but to require the extension of the session for a few hours. Therefore I hope that whichever bill we take up—I am in favor of taking up the bill relating to Utah and shall so vote—we shall act upon both these bills before we adjourn. There is really no difficulty in the way. There is no necessity for an adjournment at four o'clock this afternoon.

Mr. DAVIS. Nearly every State in the Union is interested in the post-route bill, and unless it passes within the next hour it probably cannot become a law this session. The Utah bill can follow it, and if it passes ten minutes before the expiration of the session it can become a law. I hope the post-route bill will be taken up and acted on. There is no objection to it.

Mr. WRIGHT. I have just one word to say about this bill. We have been here seven months. The law officer of the Government has pressed upon us almost every week since we have been here the necessity of action upon this bill. There is the most incontestable evidence that such a state of lawlessness obtains in that Territory that it is impossible to organize a jury and have a trial and have any criminal brought to punishment. Now we are hesitating here whether we shall take this bill up and pass it when everybody knows that we can, if we will give our attention to it, pass that, and the post-route

bill also, before four o'clock. There need not be, there should not be, any trouble in reference to this bill. The Senator having it in charge has stated that it will be eliminated of everything that is objectionable, the only and sole object being to give them a law so that they can organize their courts and juries and have the administration of justice in that Territory as they have in the States and other Territories. And yet at this time it is insisted that we shall lay this bill aside and pass a bill that we are as certain to pass before we adjourn as any bill that we have passed on the Calendar before.

Mr. RAMSEY. Why does the Senator so infer?

Mr. WRIGHT. I am very certain that there will be no adjournment of this Congress without passing the bill the Senator from Minnesota has in charge. We can pass this bill and pass that just as easily if we turn our attention to them, as we have done the business this morning.

Mr. RAMSEY. The post-route bill is an important bill to all the new portions of the country, in the West and South, the poorer portions of the country; they have the greater interest in it; without it they cannot get their mails. Improvements are extending and settlements are thickening both in the South and West, and yet you deny them mail facilities. With all the expenses of the Post-Office Department they cannot participate unless these post-routes are legalized by law. The older portions of the country are indifferent to it. The State of Maine, that the honorable Senator comes from who has opposed the taking up of this bill so strenuously, has its mails supplied by railroads. They are post-routes by law; they require no special legislation; but these remote and new settlements in the West and South are entirely without these facilities unless this bill passes, however trifling some gentlemen may consider the thing to be.

Mr. LOGAN. It seems to be almost impossible to have any legislation in reference to questions involving certain matters connected with the Territory of Utah. Time and again the attempt has been made. I do not say, nor will I, that it is a disgrace to Congress that they will not act upon a proposition of this kind, but if there is anything approaching a disgrace attaching to the Congress of the United States now in existence it is the fact that in one end of the Capitol a polygamist sits, and no man has the nerve to turn him out of the Congress of the United States. If there is another approaching disgrace, it is that Congress has not the manhood and the boldness to stand up and strike at this shame and disgrace to the institutions of this country—

The PRESIDENT *pro tempore*. The Chair thinks it is not in order to make such references to the other House.

Mr. LOGAN. Then I withdraw what I said in reference to the House, but I do not in reference to the polygamist. I appeal to Senators on this floor, I know many of us have been reminded during this session that the republican platform had something to do with legislation; I do not think platforms have anything to do with legislation; but inasmuch as I have been reminded of it, let me remind Senators here that time and again you have announced to the world that this "twin relic of barbarism" should be extirpated from this country; and yet in the last session of Congress, and now, when this bill is brought forward to give power to the courts to administer justice in that Territory the same as it is elsewhere, in conformity with the law, we find men ready in every possible way to thwart legislation for the purpose of allowing the courts to administer justice in that Territory.

Why is it? Has polygamy stretched out its arm until it fastens its power on every man in this Chamber? Is it true that the head of the Mormon church has more power in Congress than the morals of the whole country? Is it true that the head of that theocracy, after boasting that he could control Congress, is able to say to the country that Congress is afraid to deal with him?

Sir, these are facts. The country will ask us why it is that we are afraid to deal with polygamy; why we are afraid to give the courts the power to deal with it; why we are afraid to legislate in the direction of Mormonism; why we are afraid of the power of the head of the church of Mormonism, this polygamic church. Sir, if the Congress of the United States is afraid to deal with such barbarism as this, it is not fit to represent the Republic that we do represent.

Mr. TIPTON. Mr. President, I do not understand that it is any evidence of cowardice on the part of republican members of the Senate that they have not acted affirmatively on this question of Utah and her institutions. If that is to be taken as evidence of cowardice, then I say that there is equal evidence of cowardice on another question, not so far as the Senate is concerned; but we are told that the platform of the party requires something on this subject. I ask the honorable Senator, then, how does it come that the platform of the party also requires something on the question of civil rights, and yet the bill that was passed by the Senate has not yet become a law, as I understand, while there is power enough in the Congress of the United States belonging to that party to make it a law?

Mr. LOGAN. Will the Senator allow me a word right there?

Mr. TIPTON. Yes, sir.

Mr. LOGAN. In reference to the platform, I said that I asked no legislation on account of any platform, but that it was thrown in the teeth of certain Senators here that platforms said certain things, and I only retorted on that by reference to legislation on this subject.

Mr. TIPTON. I undoubtedly labored under a misapprehension;

and as time is so important I accept the apology of the Senator from Illinois and will not continue my remarks.

Mr. BOGY. I hope that the bill in charge of the Senator from Minnesota will be taken up. It has been urged upon the Senate for several days. It will take but a few moments. It is a very important bill, and I think it will meet with no opposition, while the bill in relation to Utah will involve a great deal of discussion. I hope, therefore, the bill of the Senator from Minnesota will at once be taken up and disposed of.

Mr. RAMSEY. It can be passed in fifteen minutes.

Mr. BOGY. To the western country it is very important.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota to postpone the pending order with a view to take up the post-route bill, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 33, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Carpenter, Clayton, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hamlin, Hitchcock, Jones, Kelly, McCreery, Merrimon, Morton, Norwood, Patterson, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Sprague, Stockton, Thurman, and Tipton—33.

NAYS—Messrs. Allison, Anthony, Boreman, Bontwell, Buckingham, Chandler, Conover, Ferry of Michigan, Frelinghuysen, Howe, Ingalls, Logan, Mitchell, Morrill of Vermont, Oglesby, Pease, Scott, Sherman, Spencer, Stewart, Washburn, West, Windom, and Wright—24.

ABSENT.—Messrs. Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Harvey, Johnston, Lewis, Morrill of Maine, Sargent, and Wadleigh—16.

So the motion was agreed to.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3604) to establish certain post-routes.

Mr. SARGENT. Let the bill be read.

Mr. RAMSEY. I ask unanimous consent to dispense with the reading of the bill.

Mr. STEWART. I object.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill.

Mr. FERRY, of Michigan. I appeal to the Senator from Nevada to withdraw his objection to suspending the reading of the bill. According to the new rule every amendment to the post-route bill has been referred to the Committee on Post-Offices and Post-Roads, and the committee have examined each case. The bill is merely a formal one, including all routes that the committee concluded to recommend. I trust no time will be taken up in reading a merely formal bill.

Mr. STEWART. I do not wish to insist on the reading of the bill for the purpose of consuming time, if the Senate could be engaged in something that would be valuable; but there are many bills that are coming in and going through so rapidly that we hardly know where we stand. If the Utah bill or some bill for discussion after this is coming up, I withdraw my objection.

Mr. CLAYTON. I object to suspending the reading.

The PRESIDING OFFICER. The Senator from Arkansas objects, and the reading will proceed.

The Chief Clerk continued the reading of the bill.

Mr. HAGER. There are errors in spelling names in the California routes.

The PRESIDING OFFICER. The Senator will send the corrections to the Clerk and they will be made.

Mr. BOGY. Would it be in order to move that the amendments reported by the Post-Office Committee be concurred in without reading the bill from one end to the other?

The PRESIDING OFFICER. It would be in order by unanimous consent.

Mr. BOGY. I make that motion.

The PRESIDING OFFICER. The Senator from Missouri asks that the amendments reported by the Committee on Post-Offices and Post-Roads be agreed to without reading. The Chair hears no objection, and they are agreed to.

Mr. BOGY. I move that the further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia; in which it requested the concurrence of the Senate.



## WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That Lieutenant P. H. Breslin, United States Army, have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SHERMAN, it was

Ordered, That Samuel Wilson have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SPENCER, it was

Ordered, That J. T. Newcomer have leave to withdraw his petition and papers from the files of the Senate.

## REPORTS OF COMMITTEES.

Mr. ALLISON, from the Joint Select Committee to inquire into the Affairs of the District of Columbia, to whom was referred the resolution passed by the House of Representatives May 5, 1874, directing that committee to inquire whether the officers or employes of the United States or any officers or employes of the District government have been engaged in any conspiracy to defeat or hinder the investigation ordered by Congress into the affairs of the District, and particularly in this connection to inquire into all the circumstances connected with the late robbery of the safe in the office of the United States attorney for the District of Columbia, submitted a report; which was ordered to be printed.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory, reported it without amendment.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

## COURTS IN UTAH.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of the Utah bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3037) in relation to courts and judicial officers in the Territory of Utah.

The Committee on the Judiciary proposed to amend the bill by striking out section 7, in the following words:

SEC. 7. That the common-law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I offer an amendment to come on page 6, in the sixty-third line, after the word "appeals."

Mr. BAYARD. Is the seventh section stricken out? That seems to me a most innocent-looking section.

Mr. FRELINGHUYSEN. I would say to the Senator from Delaware that the seventh section was stricken out at the instance of those who thought it might confer some criminal jurisdiction which was objectionable.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The amendment of the Senator from New Jersey will be reported.

The CHIEF CLERK. On page 6, in line 63, after the word "appeals," it is proposed to insert:

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy.

The amendment was agreed to.

Mr. FRELINGHUYSEN. There were a number of amendments which I proposed to make to this bill that do not go as far as some amendments which those who have been opposed to the bill propose to make, and therefore I will hear what amendments they desire to make.

Mr. SARGENT. On page 4, section 3, line 12, I move to strike out all after the word "divorce" down to and including the whole of line 28, on page 8.

The Chief Clerk read the words to be stricken out, as follows:

When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees as the circumstances of the case will justify; and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. And whenever, in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact.

Mr. FRELINGHUYSEN. I intended to modify that part of the bill by making it apply only to the future; but under the view which is taken by those who are opposed to the bill, I submit it to the judgment of the Senate without making any opposition.

The amendment was agreed to.

Mr. SARGENT. On page 5, line 38, after the words "district court," I propose the following amendment:

Nothing in this act shall be construed to impair the authority of probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah according to the provisions of an act for the relief of inhabitants of cities and towns upon public lands, approved March 2, 1867, and an act to amend an act entitled "An act for the relief of inhabitants of cities and towns upon public lands," approved June 8, 1868, or to discharge the duties assigned to the probate judges by an act of the Legislative Assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands.'"

There is no county court in Utah. The act of Congress provides that the county court shall execute this trust for the benefit of the towns. By an act of the Territory of Utah, however, for the purposes of that act of Congress the probate courts are made county courts. Of course if we repeal all jurisdiction of probate courts, this must be reserved. I believe this is accepted by the gentleman who reports the bill, and there is no objection to it.

Mr. FRELINGHUYSEN. I have made such inquiry as I could in reference to the propriety of that amendment, and as far as I can learn it is not objectionable.

The amendment was agreed to.

Mr. SARGENT. On page 8 after the word "challenges," in line 53, of section 4, I move to strike out all down to and including the word "same" in line 57. The words to be stricken out are:

And in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same.

This amendment being adopted makes this bill as it was intended by the Senator from New Jersey this morning under all the circumstances of the case, so that it shall give efficiency to the courts there, untangle them in their civil and criminal proceedings, and leave the question of polygamy untouched for future consideration.

Mr. FRELINGHUYSEN. It had been my purpose to restrict that provision to future crimes. It is insisted, however, by those who are opposed to the bill that it must be taken out of the bill entirely, and rather than that the bill should fail and that there should be no law in Utah, I do not oppose the amendment.

The amendment was agreed to.

Mr. SARGENT. I have one other amendment, and it is the last. I am obliged to the Senator for his courtesy. On page 8, after the word "challenges," in line 53, I wish to insert "except in capital cases, where the prosecution shall be allowed five and the defense fifteen challenges."

When a man is being tried for his life three challenges is rather limited. I think there is no State in the Union that does not give at least fifteen, and some are even more liberal than that. I propose that the prosecution shall have five and the defense fifteen.

Mr. FRELINGHUYSEN. I move to amend that amendment so that the prosecution and defense each shall have fifteen, if that is the number. They ought to have the same.

Mr. SARGENT. That never is so under any law I ever heard of.

Mr. FRELINGHUYSEN. O, yes.

Mr. SARGENT. I do not know that there is any especial objection to the prosecution having fifteen. The main point is that the defense shall have fifteen. I will assent to that modification, so that it shall be fifteen.

The PRESIDING OFFICER. The amendment of the Senator from California will be modified so as to read "except in capital cases, where the prosecution and defense shall each be allowed fifteen challenges."

The amendment was agreed to.

Mr. INGALLS. I offer the following as an additional section to the bill:

That in all cases in which any person was deprived of his or her property in the Territory of Utah prior to the year 1860 by the action of the Mormons, or who before that time was forced to leave the Territory in consequence of the hostility of the Mormons, and whose property was taken, used, disposed of, or appropriated by the said Mormons, or who suffered any deprivation of property or personal wrong at the hands of said Mormons, he or she, or his or her heirs or legal representatives shall have the right to sue and recover for such losses and injuries to person or property against the individual Mormons, or against those who then had control of the Territory; or they may sue for and recover the identical property, real, personal, or mixed, of which the original party was deprived as aforesaid, the same in all respects as if the suit had been brought at the time the wrongs were committed: *Provided*, That such suits shall be brought in the proper courts within three years from this date.

It is well known, Mr. President, that in the disturbances in this Territory prior to the year 1860 a large number of people were expelled and their property confiscated and otherwise disposed of. Since that time there have been no courts to which parties could resort for the enforcement of their rights or the redress of their wrongs, and by lapse of time now that the courts are established they will be barred. The intention of this section is simply to remove the bar of the statute of limitations which has been enforced by the act of the Mormons themselves and to allow parties to sue in the courts for the recovery of their property or for the redress of their wrongs.

Mr. SARGENT. Will the Senator state what the statute of limitations in the Territory of Utah is?

Mr. INGALLS. I do not know what it is.

Mr. SARGENT. I think I am very reliably informed that there is no statute of limitations at all in the Territory of Utah. In that case

the amendment is entirely unnecessary. It raises a great many questions that I think would be necessary to be considered by the Senate. The amendment cannot pass without discussion. It embraces too many propositions of a novel character. There is no necessity for it, for the reason I have mentioned. I do not think any Senator can controvert the proposition which I make, that there is no statute of limitations, and has not been, in the Territory of Utah. That would dispose of any necessity for the amendment, and would answer the reason which is given by the Senator himself. The proposition itself, however, is of very doubtful character. It may be a question whether under it old hatreds will not be stirred up, whether on false pretensions persons may not be persecuted who are entirely innocent, and whether persons who are not at all responsible for the actions complained of may be held liable for them. If I understood the reading of the amendment it provides that anybody who had control in Utah in the ordinary sense, who held any office of power there, should be responsible for the acts of any one, no matter who, that was lawless in any part of the Territory extending for years back.

Certainly provisions of this kind ought not to be incorporated in this bill. If there was any necessity for anything of the kind, if anybody complained that the courts of Utah which are opened by the bill have not been open all the time, so that he could begin a suit, or that he is prevented from so doing by any statute of limitations, then we might give it a respectful hearing; but it will take too much time to justify us in adopting this amendment in the loose manner in which it is drawn.

Mr. INGALLS. It is a matter of public notoriety that the courts in Utah have been closed during the period to which the amendment refers, and the bill that is now under consideration is for the express purpose of providing courts in Utah by which these questions may be tried. So far as the questions involved in the amendment are concerned, I would state to the Senator from California that they are neither numerous nor novel. It is simply and purely a question whether the bar of the statute of limitations shall be removed as against the persons by whom these crimes were committed; and the difficulty has been that the courts having been closed there has been no forum, no tribunal to which these parties could apply for redress. It appears to me that the amendment is so humane, it is so just, it is so in accordance with all the principles of law that there ought to be no discussion whatever in the Senate upon it. It should be adopted without controversy.

Mr. THURMAN. I must confess my surprise that such an amendment as this is pressed on this bill, and I should be more surprised were it not that I have a very firm conviction that one of the great objects of this bill, if not the greatest object of it, is to stir up litigation whereby certain gentlemen of the profession in Utah may make money. I believe that but for that special interest of stirring up litigation in that Territory, we should hear nothing of this bill.

We hear a great deal about a failure of the courts there and of a want of courts. If there is want of courts there, it is the want of the officials. There is law enough for courts now; but it seems that some gentlemen must have an act passed that shall give rise to litigation in Utah; and here is a proposition to go back to 1850, to go back fourteen years; to stir up suits for assaults and batteries, for trespass, and the like, suits that in every State of this Union that has a civil code are barred in one or two years—to go back and take them up and revive the causes of action against not simply the wrong-doers, but to create a cause of action against those who were in the government of the Territory whether they were the wrongdoers or not; to revive actions absolutely barred. Where does the Senator get his authority to do that, I should like to know?

Mr. INGALLS. The Senator, certainly, as a lawyer, must be familiar with the fact that if the Mormons themselves have kept the courts closed and refused parties the forum in which these matters can be tried, when we now attempt to institute courts and provide for the administration of justice, these claims ought certainly to be sometimes tried and heard.

Mr. THURMAN. It will not do to say that the Mormons have refused a forum. Ever since 1856 there have been courts of the United States in that Territory, I believe before 1856; courts maintained by the power of the General Government and competent to afford redress to anybody who was wronged in that Territory. This proposition therefore is, as I said before, to revive causes of action that are absolutely barred; and I once more demand of the Senator to know where he finds authority to do such a thing as that? He has no more right to revive a cause of action where the bar has become complete, than there is to legislate that his house shall become my property. You may before the bar becomes complete, in a case of the statute of limitations, extend that act; but after the bar of the statute becomes complete the Legislature has no power to revive that cause of action.

Mr. INGALLS. Does not the Senator admit the fact that the statute of limitations never runs against fraud?

Mr. THURMAN. I do not admit any such thing.

Mr. INGALLS. It has been established by the Supreme Court of the United States repeatedly.

Mr. THURMAN. I do not admit any such thing as that the statute of limitations does not run against fraud. It runs against many cases where there is fraud, actions of deceit, actions for obtaining money by false pretences, and a vast variety of cases.

But, sir, that is not the question. The Senator's amendment goes to everything; it goes to the question of an action of ejectment for real estate forsooth when it is as well-settled law in this country as anything can be settled that where the bar of the statute of limitations is complete in respect to real estate, it operates to divest the title of him who has been out of possession and to vest title in him who has had the possession required by the statute. You propose to take a man's property, which is his as much as if he held it by patent from the United States, and to take it by an act of Congress! Surely, sir, it cannot be necessary to back against such a proposition as this amendment unless we are prepared to stir up the very worst state of things that can exist in any country—a universal litigation from one end of it to the other, and that with a feeling on the part of nine-tenths of the people of that Territory that this litigation is part of a persecution they are to endure, and endure perhaps even to the death.

Mr. FRELINGHUYSEN. Mr. President, I shall vote against this amendment. There are a great many amendments which have been made to this bill which I have agreed to, not because I thought they ought to be made, but because by reason of the situation of the bill I do not think it is wise when we are within two hours of the end of the session to introduce on this bill new matter which has nothing to do with the great object we have in establishing law in that Territory; and therefore I shall vote against the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. SPRAGUE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 3038) to extend the time for completing entries of Osage Indian lands in Kansas.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3163) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; and it was thereupon signed by the President *pro tempore*.

#### HARPER'S FERRY PROPERTY.

Mr. DAVIS. A day or two ago I offered a resolution in regard to the Government property at Harper's Ferry. I now ask leave to call it up and have it acted on.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. DAVIS on the 20th instant:

Whereas what is known as the Harper's Ferry armory property was sold at public sale in 1869 to F. C. Adams by direction of the War Department, and the entire purchase-money thereof has long since been due, but no part thereof has been paid; and whereas from the neglect of said property it is fast depreciating and being destroyed in value, to the pecuniary loss and suffering of the people of Harper's Ferry; and whereas a decree from the proper court has been granted for the resale of said property in order to obtain the purchase-money, with interest and costs: Therefore,

*Resolved*, That the Attorney-General be requested to proceed at once by all legal means to enforce the collection of the amount due the Government by F. C. Adams and his sureties on said purchase and to effectuate a resale of said property.

Mr. DAVIS. I wish to amend the resolution by striking out the latter part about effecting a resale. The words proposed to be stricken out are "and to effectuate a resale of said property."

The amendment was agreed to.

The resolution, as amended, was agreed to.

#### NIAGARA RIVER BRIDGE.

Mr. FENTON. I ask leave to take up a little bill, only a few lines, House bill No. 2909.

There being no objection, the bill (H. R. No. 2909) to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate authorizing the Committees on Appropriations of the two Houses of Congress to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service, and the estimates of appropriations therefor, and the appropriation bills.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had



signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

A bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

A bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania;

A bill (S. No. 733) regulating gas-works.

#### COMMITTEE ON TERRITORIES.

Mr. PATTERSON. I desire to call up a resolution I reported from the Committee on Territories a few days ago.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. PATTERSON. This will not take a minute.

Mr. SHERMAN. The Senator can have it pending when the Senate resumes legislative session.

The PRESIDENT *pro tempore*. The resolution indicated by the Senator from South Carolina will be considered as before the Senate. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

#### WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HITCHCOCK. I move to take up House bill No. 3025.

The motion was agreed to; and the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

Mr. ROBERTSON. I think the Senator from Nevada [Mr. STEWART] objected to that bill, and it was laid over.

The PRESIDENT *pro tempore*. The Senate has taken up the bill on motion, and it is before the Senate as in Committee of the Whole. The question is on the amendment of the Committee on the District of Columbia which was before read.

The amendment was agreed to.

Mr. ROBERTSON. I ask that the bill be read. I have not heard it. The PRESIDENT *pro tempore*. The bill has been read.

Mr. ROBERTSON. Has it been reported from the Committee on the District of Columbia?

Mr. HITCHCOCK. Yes, sir; it has been reported from that committee.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. ROBERTSON. I call for the yeas and nays on the passage of the bill. I will say that the bill was up during the morning hour and was laid over.

Mr. HITCHCOCK. That does not make any difference.

The PRESIDENT *pro tempore*. The Chair thinks a sufficient number has not risen to second the call for the yeas and nays. The question is on the passage of the bill.

Mr. ROBERTSON. I wish to record my vote against it.

The PRESIDENT *pro tempore*. The call for the yeas and nays is not sustained.

The bill was passed.

Mr. ROBERTSON. I enter a motion to reconsider the bill.

Mr. HOWE. I ask—

Mr. HITCHCOCK. I move that we act on the motion to reconsider.

The PRESIDENT *pro tempore*. The question is on the reconsideration.

The motion to reconsider was not agreed to.

Mr. ROBERTSON. Can a motion to reconsider be acted on the same day it is made, unless by unanimous consent?

The PRESIDENT *pro tempore*. Certainly it can.

#### VIENNA EXPOSITION COMMISSIONERS.

Mr. HOWE. I move to proceed to the consideration of Senate bill No. 623.

The motion was agreed to; and the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners to the Vienna exposition, appointed under authority of joint resolution approved February 14, 1873, was considered as in Committee of the Whole.

The bill allows the Secretary of State to pay out of any balance now remaining unexpended of the moneys appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873" the sum of \$500 to each of the six practical artisans, five scientific men, and four

honorary commissioners, appointed under authority of that joint resolution, who, in addition to undertaking reports upon special subjects at the exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in that Department.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 683) to authorize the use of gilt letters for the names of vessels;

A bill (S. No. 600) for the relief of Captain James B. Thompson; and

A bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

The message also announced that the House had agreed to the concurrent resolution of the Senate authorizing the Joint Committee on the Library to sit during the recess.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

A bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3027) to remove the disabilities of Van Ranselaar Morgan, Thomas M. Jones, and Charles M. Fauntleroy of Virginia, and of A. S. Taylor of Maryland;

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland; and

A bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers.

#### COMMITTEE ON TERRITORIES.

Mr. PATTERSON. Now I call up the resolution I reported from the Committee on Territories.

The Senate proceeded to consider the following resolution:

*Resolved*, That the Committee on Territories be authorized to sit during the recess, and to investigate as to the manner of the execution of the laws of the United States in the Indian Territory; also as to the wants and sentiments of the inhabitants of said Territory, and the advisability of creating a territorial form of government for said Indian country; said committee to have power to take testimony and send for persons and papers; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the said committee.

Mr. HAMLIN. I move to amend that resolution by inserting "and that each of the other committees of this body also have leave to sit during the recess and rove over the country and do about what they please."

That is a most vicious thing. I have not heard anything here like it. I believe we have authorized the Committee on the Library to sit, but they have some specific duty to perform which we have imposed upon them. This resolution, I take it, will meet the approbation of no Senator unless it be amended as I propose, so that we shall have a good time riding over the country.

Mr. CLAYTON. What is the business before the Senate? Is the resolution before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. CLAYTON. Then I should like to make a few remarks.

This resolution is reported by the Committee on Territories. That committee by direction of the Senate had under consideration a bill for the organization of a territorial form of government in the Indian country; it also had a petition signed by a large number of persons claiming to be colored people inhabiting the Indian country. They set forth that they neither had the rights of American citizens nor the rights accorded to Indians. They set forth a very deplorable condition. It will be recollected that the treaty of 1866 attempted to provide a way whereby that question should be adjusted to the satisfaction of both the Indians and the colored people, but for some reason or other that treaty never was carried into execution, and today the Indians and the colored people there desire Congress to settle the question.

In addition, it is well known that there is a great deal of lawlessness in the Indian Territory. It is asserted on the one side that the machinery of the Federal Government through the United States courts does not grant sufficient protection to the people there and does not execute the laws. On the other side it is asserted that it does. There is a difference of opinion even among the Indians as to what

they ought to have. Some think they ought to have an Indian government and some think the present condition of affairs ought to continue.

It does seem to me that Congress ought to have some knowledge upon these various questions. There is no portion of this country that is so little understood as this Indian reservation. They have no newspapers there; white people are excluded from them; and the only information Congress has in relation to the doings in this Territory comes from interested parties—Indian agents, Indian traders, &c. It seems to me if Congress through a committee would give more investigation into the manner of executing the law in the Indian country, in the Indian reservation, they would save a great deal to the Government and they would do a great deal for the Indian. I think we should have some opportunity to ascertain the exact condition of affairs there before we are called to recommend to the Senate any measure looking toward the establishment of a government or anything else.

The territorial government measure has been before Congress for two or three years. It has attracted the attention of Congress. All we have is the information of lobbyists who hang around Congress and a few long-haired Indians who come here paid to represent a certain state of affairs. It seems to me that if you want reliable information on this subject or other subjects which have been referred to this committee, you must allow us to investigate the matter.

There has been a proposition made, and it is on our tables now, for Congress to appoint a commission, to create new officers to make this investigation. It seems to me while Congressmen are paid a salary they can afford to devote a little time to investigate this matter for the benefit of the Senate. I do not expect to be able to attend to this business myself. I have no idea that I shall; but there are members of the Committee on Territories who are willing to give it their attention and endure the labor and hardships attending such an investigation.

The PRESIDENT *pro tempore*. Does the Senator from Maine insist on his amendment?

Mr. HAMLIN. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine which will be read.

Mr. SPRAGUE. I move a short executive session. I desire to make a report on executive business.

Mr. CLAYTON. I ask the Senate to dispose of this question.

Mr. SPRAGUE. I withdraw the motion.

Mr. SHERMAN. I am informed by the Senator from Arkansas that several other committees are authorized to sit during the recess—the Committee on Naval Affairs, and some others. I did not know that any were. I desire to say that this is a very modern innovation. I do not know that I have voted for any except one and I happened to be a member of that committee; and if that was not an exception, I do not know of any. That was the Committee on Transportation, where it was necessary for the committee to go around, and the committee felt themselves under peculiar circumstances, and they did not expend as much as the same number of gentlemen would expend ordinarily in traveling the same distance. I think this habit of sending out committees of this body all over the country is not to be indulged in. It has gone too far already.

This matter to be investigated is a question of general legislation affecting a small portion of the country. We can act on every matter that is embraced in this inquiry just as well without sending a committee of this body to the Indian country as in any other way. Every bill that is up, every measure that is presented, presents fully as strong reasons for sending a committee of the body over the country as this. In the case of a contested election or the like there may be some necessity for sending away a committee. In the case of the Transportation Committee everybody can see the necessity of it; but I do not think the thing ought to be carried further.

The Secretary of the Treasury at this very session requested the Committee on Ways and Means and the Committee on Finance to meet here in the city of Washington during the coming recess to hold a special session for certain purposes, to revise the laws; but we felt a delicacy about it, and were not disposed to ask the Senate to concur in that, although it would cost the Government nothing; and we declined to do it.

It seems to me we ought now to stop; we ought to go no further. Perhaps we have furnished precedents that are bad, which would naturally lead the Senator who offered the resolution to propose it.

Mr. CLAYTON. This proposition is made by a committee, not by a Senator.

Mr. SHERMAN. But, at all events, it seems to me that the proposition that we are called upon to consider is purely a matter of public information, which can be brought to the Senate of the United States just as well through the ordinary channels by the executive authorities as by sending out committees of the Senate on a roving commission.

I shall feel myself bound to vote against the resolution without any discourtesy to the committee or to any one who may vote for the proposition. Unless there is some special reason, some peculiar circumstances, some necessity for examining the *locus in quo* under circumstances that a proper court would order a jury to go and examine the premises, I will not vote for any more of these roving commissions, and this case does not present that exception. The Indian

Territory is just as well known to the people of the United States as many States of the Union. Although we have not been there we legislate about it, and we can just as well legislate about the condition of affairs in the Indian Territory on information of an official character spread on our records as we can by sending a few of our members there to see the Indian country.

It seems to me that we ought not to detach a portion of the Senate of the United States in their official character on a mere question of public policy, on the passage of a law affecting certain portions of the country, to go roving around. There is no justification for it. The expense involved is not very great, although it will amount probably to about \$10,000. That is about the ordinary expense of one of these committees. The Committee on Transportation cost something less than that, traveling all over the country. The question of expenses is not so important; but consider the example that is being set, which will be continued and increased until finally all the committees of the Senate will be wandering over the country for some time carrying the flag of the Senate of the United States, having a good time generally, seeing what is to be seen and being feasted and treated. Unless there is some special reason, some special case that has not yet been named by the Senator, I think the Senate ought to put a stop to this business by rejecting the proposition.

Mr. HAMLIN. I want to modify my amendment and simply make it apply to the Committee on Mines and Mining. I think this body understands really as little of the value and locality and what belongs to the mining industry as of any subject that comes before us, and it is a vast subject. I think they can group more information that will be useful to this body than a half-dozen Indian committees. I will therefore confine it to that.

The PRESIDENT *pro tempore*. The Senator from Maine moves to amend the resolution by adding "the Committee on Mines and Mining."

Mr. BUCKINGHAM. I have refrained from saying anything on this subject, but I will not refrain longer. If any committee is to visit the Indian Territory it seems to me it should be the Committee on Indian Affairs, the committee to which is committed more particularly those questions which refer to the government of Indians and the relations which the Government of the United States sustain to them; not that I want to go, not that I desire to have the Committee on Indian Affairs go. I have no such desire. On the contrary, I think we can otherwise secure all the information which is necessary to enable us to establish good government and maintain good government over the Indian Territory as we can over the Territories of Washington and Colorado. It seems to me the Committee on Territories, with all due respect to their judgment, are stepping a little out of their latitude, although I agree that when the question of territorial governments comes up they consider it as belonging to them.

Mr. HAMILTON, of Texas. If I could be surprised at anything now in the way of enormities, it would be at the proposition of the Senator from Arkansas to send the Committee on Territories out to work up a job that has been persistently worked up for the last twelve or eighteen months.

Mr. CLAYTON. I want to say to the Senator from Texas in the first place that this is not my proposition. I have said over and over again that this is a proposition submitted to this body by the Committee on Territories. I want to say to him more than that—that this is not a proposition to work up any job. He assumes too much when he assumes that it is.

Mr. HAMILTON, of Texas. Mr. President, I live on the border of the Indian Territory, and I feel interested in this matter. I know what the Indians want—

Mr. PATTERSON. I wish to correct the Senator from Texas.

Mr. HAMILTON, of Texas. I have been appealed to again and again by the friends of one or two railroad companies that pass through that Territory and by a number of persons living around the Indians, in Kansas and Missouri and Arkansas and in Texas. I know that all the people in that region of country, or nearly all of them, want the Indian Territory settled up. They all tell me so. I say to them "You cannot invade the rights of the Indians in the Territory without their consent. They are under treaty stipulations with the Government of the United States, and the Government is bound to protect them." The Indians do not want the organization of a territorial government there. They have told you so almost in a body. I think every Senator on this floor knows the fact. They have kept delegations here all this winter at heavy expense in order to protest against this thing, because they feared that it would be sprung upon them and carried through without their knowledge.

Mr. President, I see from the papers in Kansas—and the headquarters of the force that is working up this scheme is at Lawrence, Kansas—that they say there are from ten to fifteen thousand people now waiting on the southern border of Kansas to go into this Territory as soon as it is organized.

Mr. INGALLS. I will say to the Senator that the sentiment of the people of Kansas is almost unanimous against this territorial organization.

Mr. HAMILTON, of Texas. I am very glad to hear the Senator say so; but I recollect that one of his citizens was in Baltimore last fall lecturing on the subject, and he stated a very different thing.

Mr. INGALLS. What citizen was that?



Mr. HAMILTON, of Texas. I have forgotten his name.

Mr. INGALLS. A Colonel E. C. Boudinot, from the Indian Nation.

Mr. HAMILTON, of Texas. No; I know Colonel Boudinot; this was another gentleman.

Mr. STEWART. Will the Senator give way to me that I may move to reconsider the railroad bill which we passed in what was really executive session, the Point Lookout Railway?

Mr. HITCHCOCK. That motion has been made and voted on.

Mr. STEWART. I was taking lunch, supposing the Senate was in executive session, and was watching that bill.

Mr. HAMILTON, of Texas. With due deference to the statements and sentiments of the Senator from Kansas—

Mr. STEWART. Allow me—

The PRESIDENT *pro tempore*. The Chair would like to understand whether the Senator from Texas yields to the Senator from Nevada to allow him to enter a motion to reconsider the vote referred to.

Mr. HAMILTON, of Texas. Yes, sir.

The PRESIDENT *pro tempore*. Then the motion is entered.

Mr. DAVIS. I rise to a point of order. A motion was made to reconsider the vote by which the Senate passed the bill that the Senator moves to reconsider, and that motion was voted down within the last half-hour. Now is it in order to make another motion to reconsider?

The PRESIDENT *pro tempore*. The Chair had forgotten that. The Senator from West Virginia is right. A motion to reconsider was made and voted down, and it cannot be renewed.

Mr. HAMILTON, of Texas. Now I hope I shall not be interrupted again. I was going to remark, with due deference to the statement made by the Senator from Arkansas, that the troubles and lawlessness in the Indian Territory are not a bit worse than they are in Arkansas, and I do not think they are as bad. My opinion is that Arkansas and some of the other surrounding States are not much better off than the Indian Territory as far as that is concerned.

I have to say, once for all, that if this scheme is carried, it means the breaking up of the Indian Territory. Everybody understands that. There is not an intelligent man anywhere in that region of country who does not know that every Indian, except perhaps a few civilized half-breeds who will become citizens of the United States, will be scattered upon the plains to forage on the frontier of Texas for his subsistence. You get a legislature in session there in the Indian Territory, and it will be bought up by a railroad ring in less than forty-eight hours; the lands will be sectionized and thrown into market; the Indians will be crowded out and driven God knows where, and you will develop a party of Captain Jacks before you get through with it, and every portion of the frontier will suffer in consequence of it.

But it is said that it is a necessity. The wants of commerce and the progress of civilization require that these people should give way. There is a long line of railroad at every passage of that country that does not pay the expenses and they want the country settled up in order to enable them to extend their lines.

I protest against any action on the part of the Congress of the United States looking toward the organization of a territorial government there until a majority of all the Indian tribes within the limits of the Territory shall petition the Government of the United States to that end. If you do it before that you destroy their rights; it means spoliation; it means the destruction of the remnant of the Indians that we are trying to civilize there.

I move to lay the resolution on the table.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3023) for the relief of Andrew Mason.

The message also announced that the House had passed the bill (S. No. 321) reorganizing the several staff corps of the Army.

The message further announced that the House had concurred in the concurrent resolution of the Senate authorizing the Joint Committee on Public Printing to sit during the coming recess of Congress.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 294) for the relief of Joab Bagley;

A bill (H. R. No. 763) for the relief of Oliver P. Mason;

A bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

A bill (H. R. No. 1410) to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts;

A bill (H. R. No. 1939) for the relief of the sureties of James L. Collins;

A bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands in the county of Scott, in the State of Missouri;

A bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri;

A bill (H. R. No. 2349) for the relief of Burke & Kunkle;

A bill (H. R. No. 2791) granting a pension to Franklin Stoner;

A bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

A bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

A bill (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas;

A bill (H. R. No. 3405) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution;

A bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1828;

A bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; and

A bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

E. MELLACH.

Mr. STOCKTON. I have not asked a courtesy from the Senate this session. There is a little bill that I want to have taken up and put through the Senate. It is a bill from the Naval Committee, a bill that is eminently right, and if any gentleman wants it explained I will explain it. It is a very small matter, and concerns a constituent of mine in my own town.

There being no objection, the bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy, was read the second time, and considered as in Committee of the Whole. It directs the accounting officers of the Treasury of the United States, in settling the accounts of E. Mellach, passed assistant paymaster United States Navy, to credit him with all stoppages charged against him, amounting to \$25,104.93, and to allow him his pay from the 2d of May, 1872, to the 7th of April, 1874.

The bill was reported to the Senate, ordered for a third reading, read the third time, and passed.

#### COURTS AT EVANSVILLE.

Mr. WRIGHT. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2534) to change the time for holding the circuit and district courts at the city of Evansville, to report the same back without amendment, and I ask that it be put on its passage.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides that the terms of the circuit and district courts of the United States for the district of Indiana, which are provided by law to be holden at the city of Evansville, shall hereafter be held at that city on the first Mondays of April and October in each year.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### INDIAN LANDS IN KANSAS.

Mr. CONOVER. House bill No. 3352 was up this morning, to which I objected under a misapprehension. I wish now to withdraw my objection, and move to take up the bill.

The motion was agreed to; and the bill (H. R. No. 3252) to provide for the sale of certain Indian lands in Kansas was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### WILLIAM C. BRASHEAR.

Mr. CONOVER. There is a bill for the relief of William C. Brashear, of the Texas navy, which I think will take but a moment, and I ask that it be considered. It is House bill No. 2198.

Mr. INGALLS. That bill was laid aside this morning on my objection, but after examination I withdraw the objection.

There being no objection, the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy, was considered as in Committee of the Whole. It provides for the payment to the heirs at law of William C. Brashear the amount of leave pay per annum, from the date of the annexation of the republic of Texas to the date of his demise, it being the rate and pay to which he would have been entitled as an officer of the Texas navy under the twelfth section of the act entitled "An act making appropriations for the naval service for the year ending June 30, 1858," approved March 3, 1857, in the event that he had lived to the passage of that act.

The bill was reported to the Senate, and ordered to a third reading. Mr. WASHBURN. I suggest to the Senator if he wishes this bill to pass he had better let it remain where it is. He will lose his bill if it passes here, as it cannot be enrolled.

Mr. CONOVER. It is a House bill.

Mr. WASHBURN. I understand that House bills that passed an hour ago cannot be enrolled before the adjournment.

The PRESIDENT *pro tempore*. They can be enrolled at the next session.

Mr. CONOVER. It is a matter in which I have no interest, but the bill is eminently just and proper.

Mr. WASHBURN. I do not object to the bill, but I think it would put the bill in a bad position to pass it now.

Mr. HAMLIN. Any bill, as the Senator says, that is passed now is

killed; it goes off the Calendar. If there be merit in it let it remain on the Calendar and we can take it up at the next session.

The PRESIDENT *pro tempore*. The Chair would suggest, with all deference to the Senator from Maine, that bills passed and not enrolled can be enrolled at the commencement of the next session. It is a step in the regular progress of the bill.

Mr. HAMLIN. Very well.

The bill was read the third time, and passed.

#### INTRODUCTION OF BILLS.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 961) for the relief of John R. Harrington; which was read twice by its title, and, together with the petition in the case, was referred to the Committee on Patents.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 962) to authorize the Commissioner of Patents to extend certain letters-patent therein described; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Patents.

#### KANSAS INDIAN LANDS.

Mr. BUCKINGHAM. We stopped on the Calendar in the order of business No. 675. The next bill is one that is regarded as important by the Committee on Indian Affairs, and I ask that it be taken up.

There being no objection, the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### IMPROVEMENT OF OOSTENLAULA RIVER.

Mr. GORDON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia, to report it without amendment, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates the sum of \$10,000 for the improvement of the Oostenaula River, in the State of Georgia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MORRILL, of Vermont. I move that the Senate proceed to the consideration of House bill No. 3761.

The motion was agreed to; and the bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to report to Congress at the beginning of its next session whether the present needs of the Government require the erection of a public building at Auburn, New York, and the estimated cost of the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### J. SCOTT PAYNE.

Mr. CLAYTON. I ask the Senate to take up the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

Mr. EDMUNDS. I wish to ask the chairman of the Committee on Military Affairs to explain, before this bill is taken up, how it affects the question of jumping this person into the rank of a first lieutenant over all the second lieutenants, and over all the first lieutenants below him?

Mr. LOGAN. I do not know anything about the bill. It was reported in my absence. The Senator from Arkansas has charge of it.

Mr. EDMUNDS. I had forgotten that the Senator from Arkansas was a member of the Military Committee. I should be glad to hear my friend from Arkansas explain how it operates, before the bill is taken up.

Mr. CLAYTON. There is a report in the case and perhaps the reading of it would be more satisfactory to the Senator. It is a report of the House committee which the Senate committee adopted. The facts are about these: This officer tendered his resignation to take effect some three months ahead. The resignation was accepted before that time. The conditions of the resignation were not compiled with. This proposition is merely to give the President authority if he sees proper—it does not require him to do it but merely authorizes him—when a vacancy occurs to place this officer in the position he would be entitled to occupy if he had not resigned. He withdrew the resignation.

Mr. EDMUNDS. How could the officer withdraw his resignation after it was accepted, I should be glad to know?

Mr. CLAYTON. It was not accepted in accordance with the terms of the resignation. He resigned to take effect some time in December and the resignation was accepted to take effect in September, accepted immediately. The terms of the resignation were not complied with in the acceptance.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. Dox-

NAN from the Committee on Military Affairs of the House of Representatives on the 2d of May last:

The Committee on Military Affairs, to whom was referred the House bill No. 2771, having had the same under consideration, respectfully submit the following report:

In the month of June, 1863, J. Scott Payne, then first lieutenant Fifth United States Cavalry, tendered his letter of resignation, to take effect December 1 of same year. Subsequently charges were preferred against him, and he was summoned to appear before a court-martial at Washington, District of Columbia, early in August, 1863. Pending the trial he applied to the then Secretary of War for the withdrawal of his resignation, which was declined. The court-martial acquitted him of the charges, but the resignation which he had asked to withdraw was accepted September 12, 1863.

On the 30th of January, 1869, the War Department issued Special Order No. 25, as follows:

[Extract.]

8. By direction of the President so much of the Special Orders No. 220, paragraph 4, from this office, dated September 14, 1868, as accepts the resignation of First Lieutenant J. Scott Payne, Fifth United States Cavalry, to take effect September 12, 1863, is hereby revoked.

By command of General Grant.

E. D. TOWNSEND,  
Assistant Adjutant-General.

It is claimed that the President could not restore to the service an officer who had resigned by revoking the acceptance of his resignation, and no effect has been given to Special Order No. 25, above stated. Last year the President appointed Payne a second lieutenant in the Sixth United States Cavalry. The bill before the committee provides in case of the first vacancy that this officer be reinstated in the grade which he held in his old regiment, thus giving effect to the special order of the War Department of January 30, 1869.

The bill is, however, imperative in its terms. The committee recommend striking out of lines 6 and 7 of the bill the words "shall be appointed," and inserting after the word cavalry in the fourth line the words "the President is hereby authorized to appoint."

And being so amended, the committee recommend the passage of the bill.

Mr. EDMUNDS. I do not think this bill can be finished in some considerable time. It involves the question of jumping an officer who under charges offers his resignation, although the charges are not technically proved afterward, over the heads of those who would come before him and were promoted in consequence, a thing that is perfectly destructive to all discipline and good feeling in the Army, and it will require a good deal of consideration before this bill can pass or be rejected. We ought to understand exactly what we are about. There are matters which require consideration in another capacity, and I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. CLAYTON. I hope that will not be done.

Mr. EDMUNDS. The motion is not debatable.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

The message also announced that the House had passed the following bills:

A bill (S. No. 633) for the relief of A. H. Von Luettwitz, late lieutenant in Third United States Cavalry; and

A bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River, at Portland, in the State of Oregon.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 683) to authorize the use of gilt letters for the names of vessels;

A bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant;

A bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by act of Congress approved June 30, 1870, a post-route;

A bill (H. R. No. 3266) for the relief of Pekin Alcohol Manufacturing Company; and

A bill (H. R. No. 2798) for the relief of John J. Hayden.



## THANKS TO PRESIDENT PRO TEMPORE.

Mr. BAYARD submitted the following resolution; which was unanimously agreed to:

*Resolved*, That the thanks of the Senate are due, and hereby are tendered, to the Hon. MATTHEW H. CARPENTER, for the courtesy and ability with which he has presided over their deliberations.

## TRIAL OF F. A. DOCKRAY, IN CUBA.

Mr. CONOVER. I move that the Senate proceed to the consideration of the resolution offered by me on the 14th of May last, in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of Florida.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

*Resolved*, That the President of the United States is hereby requested, if in his opinion compatible with the public interest, to lay before the Senate the correspondence between the Government and our consular agents in Cuba and the Spanish government in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of the United States, for alleged political offenses committed in Cuba.

Mr. CONOVER. Mr. President, there is nothing so peculiar in the conduct pursued by the Spanish authorities in Cuba toward Mr. Dockray that alone would have led me, as a representative of the State of which he is a citizen, to move the resolution relative to him. His case, unfortunately, is not singular. We have been made too familiar in the past with arbitrary arrests, military trials, and illegal executions of American citizens by those who have held despotic authority in the island of Cuba to be surprised by any new arrest. I am well satisfied that the executive department has been mindful of Mr. Dockray's claim upon its protection, and that all proper steps to obtain for him that kind of trial and those safeguards of liberty which are guaranteed to him by the treaty between the United States and Spain have been taken.

Had Mr. Dockray been arrested in any one of the European kingdoms, charged with an offense against its sovereignty, I should have presented my application for governmental interference in his behalf to the Executive only, confident that the nation by whose authority he was arrested would concede to him a fair trial before impartial judges, and all proper means of defense; but when I recur to the modes of proceeding which have in Cuba supplanted judicial inquiry and deliberate, honest judgments; when I consider who it is that governs in the island, that armed mobs overawe captains-general and force capital convictions by the terror with which they inspire those who sit to try the accused, I cannot allow this session to pass without an effort to have the Executive action morally strengthened by such a manifestation of the sentiment of this branch of the legislative body as will indicate to the Spaniards in Cuba, whether they be the lawful rulers or the lawless power behind and above them, that the people of the United States will brook no further outrages such as they have hitherto allowed to pass unrequited and unavenged.

The passage of the resolution will, I think, obtain for the Senate information which will enable this body and the people of the United States to learn on what pretenses American citizens are arrested and detained without trial, secluded in filthy dungeons, and subjected to all the outrageous cruelties that have become the fixed rule in Cuba.

And now that the Senate is considering this single case, and its attention is called to the dangers which menace the citizen of the United States whose presence in Cuba attracts to him the suspicion of the Spanish authorities, and the dangers to which he is exposed when accused of complicity with the Cuban revolutionists, it is not inappropriate to consider further whether the United States should longer refrain from expressing in some suitable and proper form its sympathy with those who are struggling to overthrow Spanish rule in the island, or, should it be deemed contrary to our duty as a nation to make a solemn public declaration of those sentiments which it may be assumed our people individually entertain in favor of the Cuban patriots, whether we should not extend to them that measure of support which their struggle will derive from a recognition by the United States of their claim to be regarded as belligerents, and entitled to the rights and privileges which, in accordance with the usages and laws of nations, we may accord to them as such.

The government of Cuba is a despotism, the captain-general having by the royal decree of 1825 the same powers possessed by a military commander where military law exists; superadded to that the power of banishment, confiscation, and imprisonment without trial, and the right to impose taxes without being accountable for the taxes collected.

I read from the decree:

His Majesty the King, our lord, desiring to obviate the inconvenience which might result in extraordinary cases from division of command and from the interference of powers and prerogatives of the respective officers; for the important end of preserving in that precious island (Cuba) his legitimate sovereign authority and the public tranquillity through proper means, has resolved, in accordance with the opinion of his council of ministers, to give to your excellency the fullest authority, bestowing upon you all the powers which by the royal ordinances are granted to the governors of besieged cities. In consequence of this, His Majesty gives to your excellency the most ample and unbounded power not only to send away from the island any persons in office, whatever be their occupation, rank, class, or condition, whose continuance therein your excellency may deem injurious, or whose conduct, public or private, may alarm you, replacing them with persons faithful to His Majesty and deserving of all the confidence of your excellency, but also to suspend the execution of any order whatsoever or any general provision made concerning any branch of the administration as your excellency may think most suitable to the royal service.

The natives are entirely excluded from office and viewed as enemies; "driven from all profitable occupations in order to make room for Europeans; molested in the enjoyment of their property; and obliged, in order to obtain a precarious personal security, constantly to make presents and pay black-mail to the agents of the government." The taxes imposed and carried away from the island annually are about \$35,000,000.

I quote from reliable authority:

The amount of taxes collected in 1866 by the Spanish government was \$36,806,382. As we have no later official reports, we estimate that, with the new taxes imposed in 1867, the public revenues in 1868 must have amounted to \$35,000,000. About \$12,000,000 of this amount is derived from the custom-house, \$2,000,000 from the government lottery, \$11,000,000 from tax upon the productions of the soil, and the balance from taxes on trade and other sources. To this amount there can be added from fifteen to twenty million dollars more, which the people pay in fraudulent exactions and contributions.

The government of Madrid has been for the last ten years receiving from Cuba from five to six millions annually, called the *ultra-marine surplus*, and it has made Cuba pay the expense of the penitentiary of Fernando Po, off the coast of Africa, which costs not less than \$200,000 a year.

Cuba also paid the expenses incurred by the Mexican expedition in 1863, which amounted to \$10,000,000, and of the war with San Domingo, which amounted to about \$22,000,000.

None of this money is used for public works, schools, hospitals, or sanitary regulations, and moneys extorted from private citizens ostensibly for these purposes have been appropriated and carried away from the island. These operations have led to several efforts for freedom, commencing at the time the South American republics revolted; all of which have been failures up to the present revolution, which began in 1868. In 1844 military means were set to work to suppress an alleged conspiracy. The parties accused were rich, free colored men, who were put to death and their property confiscated; "their lives taken by wholesale on the scaffold, while not a few of them died under the lash, which was freely and mercilessly used to compel them to confession." All efforts to obtain reform and all petitions to the throne proved failures, owing to the influence of the Spaniards in the island.

Leading Cubans desire the abolition of slavery. The Spaniards desire to perpetuate it and to increase the number of laborers in bondage by the introduction of coolies and African apprentices, which furnish an additional reason for the hostility of the Spaniards to the native Cubans, notwithstanding the despotic power of the captain-general is bad enough.

I propose now to show that Spain is utterly powerless to govern in Cuba, and exercises no control except such as is agreeable to the volunteers.

Since the commencement of the revolution the "volunteers" have completely defied both the captain-general and the home government. They drove out General Dulce and treated the Spanish minister who came to the island with contempt, and boldly declared that they would not obey any decree of the home government which did not suit them. We have the highest authority that these evils exist in speeches of leading republican members of the Spanish Cortes in the presence of the ministers, and not by them refuted. Señor Quintero on one occasion said, in reply to a remark of the colonial minister:

I have no objection to reply that I fully recognize the services rendered by the Havana volunteers so far as regards the murders committed at the Café del Louvre and elsewhere, as also in expelling and sending back hither General Dulce; as I am thoroughly well aware of the ignominy heaped upon the Spanish government for suffering such an attack upon its dignity. If there had been any sense of decorum in the government General Dulce would have returned with a squadron at his back strong enough to force him upon these rebels, for in plain truth the real Cuban rebels are the slaver volunteers of Havana.

Señor Benot said in a debate in the Cortes:

What have I not to fear, when under the name of love for Spain they send our captain-general back to us again? Spain does not govern in Cuba, for if she did she would not suffer innocent children to be shot down as they have been. Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons, being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine, for this irreverence and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs whose glass fronts still remain intact! Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied them, subjecting your innocent sons, after they had been acquitted, to another council of war; and there at the point of the bayonet, and under the fears inspired by the howls of these blood-thirsty hyenas there condemning eight of your sons to death and the rest to the common jail! Authorities in the Havana have ceased to exist since the rising has thrown into prison those that were in power; and thousands upon thousands of fierce, lawless men, with dire ferocity necessary to murder your sons unrestrained by law, present, indeed, a fearful picture! But you can hardly even yet form a just idea of this savage scene. The children numbered forty-four, and the second council of war ordered them to draw lots who should die; and among the others it fell to the lot of two brothers, and the stony hearts of the judges even, thinking it hard to deprive the father at one blow of both his sons, pardoned one of them; but in order that the arithmetical operation should remain correct and the due number of victims be retained, they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without thinking or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions? This crime, then, incredible as it is and unexampled in the annals of history, remains still unpunished. \* \* \* And yet the government tells us that crime is proscribed, while this is known to the whole world! Would to God that the bitter tale were hidden from the nations of the earth! I assure you, my lords, that I enter on the discussion of the colonial

question with fear, for it horrifies me to have to pick my way over governmental robberies, judicial murders, and the usurpation of parliamentary powers. \* \* \*

Cuba is growing under the scourge of arbitrary power. There is no law, no code, no constitution; the privileges of modern law are trampled in the dust, and the ancient laws are disregarded. Children are immolated; judgment is passed on the dead; the innocent suffer for the guilty; human ears are fried and eaten; the only power is brute force, the vile greed of bad officials, and the infamy of pirates, tyrants, and slavers.

Similar utterances were made at divers periods by other distinguished members of the Cortes. Señor Payela, in speaking of the purposes of the revolution, said:

They wish to preserve slavery to enable them to continue building up fortunes with the slave trade; they hate freedom because it is an impertinent informer of all the bad tricks which they have been accustomed to employ in certain mercantile transactions.

Señor Garrido also said on a similar occasion, in 1872:

You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it. This besides the fifty thousand or more that you have sent already! Ah! what you must do with Cuba is not to send twelve thousand more men from Spain, but send back from Cuba hither the twelve thousand vultures which are devouring it; what you must do with Cuba is to send her liberty and a great deal of it, because liberty attracts, mollifies, and renders thankful its recipient. Let this liberty be sent thither, and allow the Cubans to govern themselves like the rest of the Spanish provinces. I can tell you that the question of Cuba is for you an insoluble one. You may send your twelve thousand men there, as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that. You cry out that you must preserve the territorial integrity, and it appears that there is a tendency to believe that we on our side of the house do not wish to do so; but that is a mistake. We wish for it as much as you, and we wish for national unity; but we also wish for liberty, for without liberty there can be no real fatherland; and the Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests.

Against tyranny there is always the right of rebellion, and we, who for fifty years were always rising against despotism, cannot deny the right of rising to those whom we ourselves oppress. Instead of sending twelve thousand men to settle the Cuban question, the republican party would settle it by federation, giving the Cubans the liberty we had ourselves; for if the insurrectionists cry "death to Spain," it is because Spain means to them oppression, tyranny, and plunder.

On another occasion Señor Payela said:

I have now to ask the minister of war whether, having already sent seventy-six thousand men and the Cuban affair not being nearly at an end yet, he thinks he is going to finish the war by sending still more soldiers? I think not; and although as I do not wish to raise a storm in the house, and will not speak about the Havana volunteers, I have only to say to his lordship that since he now asks for a conscription of forty thousand men because he thinks the war is coming to a finish, he will have to ask for a great many more when it really comes to an end, for he will then have to deal with an insurrection a great deal more to be feared than the present one, namely, an insurrection of the volunteers themselves. The government is asking us for soldiers to send to Cuba, as if it really commanded in the island. I can tell you, gentlemen, that the power that commands now in Cuba are the volunteers of Havana; and they command there because, for some reason which I do not know, they fear for their lives and fortunes and they believe it better to think and act for themselves in the matter of Cuba. The patriotism of the volunteers only means looking after their own interests. The seventy-six thousand men you have already sent have not sufficed to finish the war, nor will the twelve, fourteen, or even twenty thousand more you may send, because the insurrectionists are much more important than you think, and the volunteers are of more importance still. The proof of this is that we send them generals and they send them back to us again.

The Spanish government has hitherto in its communications with foreign governments characterized the efforts of the Cubans as the acts of outlaws and them as banditti, without arms, money, or organized government, led by a few disaffected reckless adventurers, and that the most populous and important parts of the island are free from war and whose population is quiet and loyal; that they have not been able to establish themselves at any important point on the coast, but are held within the mountain wilderness where they carry on a mere guerrilla and predatory warfare. The sentiment of the native Cubans may be inferred from what was stated by General Concha in 1852 when he was in command in Cuba. I read from his secret circular published in the New York Herald of May 2, 1874. It is fitly introduced here to show how he understood the sentiment of the natives, and it also marks the character of the man and the measures of oppression which he may be expected to resort to. It must be observed that this circular was issued secretly, and at a time when there was no hostile force on the island; it is as follows:

[Secret circular.]

Captain General of the Ever-faithful Island of Cuba:

This government being well aware that the traitorous enemies of Her Majesty, encouraged by the magnanimous indulgence with which until now the queen has treated them, and secretly protected by the new Administration of the United States, are projecting an invasion of this island in considerable numbers, and convinced at the same time of the necessity of putting down with a strong hand the revolutionary tendencies of the natives of the country, I order, under the sanction of the supreme government, that, in addition to the decrees communicated to you on the 3d of May and the 15th and 30th of July of this year, you will execute without delay or consideration of any kind the following precautionary measures:

First. At the first news of the disembarkation of pirates you will reiterate the order of the 13th of May about confining to barracks the forces at the disposal of the government in that place, placing them under arms and arranging the inactive classes of the police, firemen, militia, and enrolled sailors, and will also form unattached companies of all the young men and Spanish shop-keepers, in which the natives who are known to be well disposed toward the just cause of Her Majesty may be admitted.

Second. Simultaneously, without loss of time, and using armed force if it be necessary, you will have conveyed to the government house the principal creoles formerly designated in the list sent by you to this superior government as influential persons on account of their knowledge, riches, and revolutionary spirit. When gathered together there you will make them sign a manifest in conformity with the form I sent you on the 30th of last July. You will then order the immediate publication of such manifest, taking care to add to the general offer of lives and properties made there in the particular guarantee of all that each one may own according to your own judgment.

Third. Aware as this government is that it can only count upon the adhesion of Spaniards and of commercial men, and also persuaded at the same time that all the creoles are enemies, or at least indifferent to the triumph of the sacred cause of Her Majesty, and that in the end their means will go to serve traitors and revolutionists, you will collect from said gathering of creoles all the ready money which they may have, as a special and individual offering of the number which may have before signed the manifest.

Fourth. Taking into consideration the present penury of Her Majesty's revenues, in consequence of great military expenditures which the government has been obliged to raise because of the disaffection of the sons of this country, I authorize you, in the name of Her Majesty, in case of need, to exact from the Spaniards and commercial people, as a forced loan also, bearing 6 per cent. interest, any sum up to \$2,000,000 to sustain the war. And as it is not just that these people should be the first to be ruined on account of their loyalty, they will be given by this government local bonds or coupons, emitted on the usual terms in such cases, which you will order to be signed and guaranteed jointly and separately by all the creoles who may compose the meeting spoken of in the second article.

Fifth. To secure the execution of the preceding measure you will order a guard to take in custody and watch the said junta of creoles, so that none of them, under any pretext whatever, may leave the place designated by you as general headquarters. Said guard shall have for ostensible object that of protecting the creoles from the vengeance of their countrymen, and therefore you will treat them apparently with the greatest consideration, trying to make them understand, if it is possible, that all this is done for their good and personal safety.

Sixth. As it may be necessary for you to move to several places in your jurisdiction, according to the fortunes of war, in no case will you leave behind the before named creoles, but will take them with you to all places so as to not lose the moral force which their apparent co-operation will give to the government, preventing at the same time any use which the enemies of the crown might make of them.

Seventh. The disaffection of the natives being so marked that undoubtedly some of the above-mentioned creoles will make great efforts to mock our vigilance and desert from the side of the government, you will suppress with a severe hand any attempt of this nature, or any expression of discontent, by means of previous government measures; and in case you esteem it necessary to inflict exemplary punishment, so as to impose respect and absolute submission, you will shoot (*posar por las armas*) one or more of them, being sure to execute the sentence when you are distant from the city and the troops are on the march.

Eighth. And, it being most important for the triumph of the royal cause to make sure of all the results which the government proposes to obtain from these regulations in particular, I charge you with the greatest secrecy and the strictest compliance with them under the severest responsibilities of your life and office, requiring you to acknowledge the receipt of this communication.

God guard you many years.

The Herald comments on this circular as follows:

All the prominent Cubans in the city who have expressed an opinion upon the subject agree that the Spanish government in calling Concha for the fourth time to office in Cuba virtually confesses its inability to subdue the insurrection there. The patriots here have been in high glee ever since the arrival of the Marquis of Havana, whom they look upon as an aged tyrant who represents in himself every trait of the Spanish character that is most distasteful to Cubans, and they believe that during his present administration Cuba will emancipate herself from the mother country. The failure of Jovellar and his call for twenty thousand troops were measures that made manifest to the world the weakness of Spain. Also the action of Concha, who is taking a money compensation in lieu of drafted men that ought to be sent into campaign, shows the kind of pandemonium to which the new captain-general admits the island to be reduced. The Cuban newspapers here are bringing to light Concha's very glorious antecedents, and predict the speedy abandonment of the island by the Spaniards, and in so doing but reflect the opinions of their wisest and most experienced leaders. The Cubans are daily on the lookout for news of another battle, and point with pride to the fact that General Portillo, the pacificator of the Cinco Villas, has showed himself to be, in Puerto Principe, entirely unable to cope with the astute and intrepid Maximo Gomez.

Mr. President, if he correctly expressed the sentiments of the native population in 1852, we have every reason to suppose that the friendly feeling in Cuba for Spain, if any, has not increased, when we find that so many causes for discontent have accumulated since. In this connection we cannot overlook the position of the colored population, as to which side their sympathies are with. There can be no doubt in this regard, since the Cuban government has decreed the emancipation of all slaves in the island. The strength of the revolution is in the unanimity of that portion of the population which comprises seven-tenths of the whole—the natives.

The actual results of the Cuban arms must be ascertained, of course, not merely by the magnitude of the forces pitted in battle at any one time against the Spaniards, the character of their equipments, the state of their treasury, or whether or not they are possessed of sea-ports and shipping. We must look to the effect produced upon the Spanish powers, their losses in battle, and the treasure consumed; the data for which we find in public documents and the press of Spain, as well as from other reliable sources. Mr. Sickles, in a dispatch to Mr. Fish, a year ago, stated that the Spanish government had lost in four years sixty thousand men. Señor Payela, we have seen, stated the loss at seventy-six thousand, to which is to be added at least twenty-five thousand for the past year because of the greater frequency of encounters and the greater number of forces employed in them.

The amount of money levied by Spain in Cuba during the war and actually applied is about \$100,000,000. Besides that, it is said there is a debt of nearly \$40,000,000. Money has been obtained by every means, ordinary and extraordinary, until their treasury is literally bankrupt. General Valmaseda not long ago, when in command, asked the home government for the insignificant amount of \$12,000,000, which was refused him for the reason that "it had not the money to give and its credit was too poor for it to be able to borrow that sum."

These facts and the recent financial decrees of the captain-general show that the means of carrying on the war have been exhausted, and that there is evidence that Spain is no longer able to furnish money or men, for the advices from Cuba inform us that General Concha has ordered a conscription even among the native Spaniards, and has also ordered the organization of a certain number of battalions of slaves.

These results have been produced by operations carried on by the



Cuban commanders, and they are cogent evidence in favor of their claims to be considered a belligerent nation. These facts address themselves to the consideration of our Government when deciding whether it is proper to recognize the Cuban government, leaving out of question our sympathy with their efforts to establish a republic, to put an end to slavery, and to do away with the existing injuries upon our commerce, irrespective also of our duty to interpose a check to the outrageous manner in which the Spanish generals have carried on the war. But we cannot ignore these cogent reasons why we should accord to the Cuban revolutionist that moral support to which they have entitled themselves by their military successes:

First. An independent republic in Cuba instead of the present system of rule there is certainly desirable by the people of the United States.

The abolition of slavery in Cuba is also a matter of the first importance, and the President has candidly stated to the government of Spain that it is a matter which the United States feels a deep interest in, and in fact insisted that it was its duty to have put an end to it. The diplomatic correspondence is full of the promises of Spain on the subject, made to the United States and England; but there has been nothing but evasion on the part of Spain. As was stated by Señor Payela in the Cortes, there is a power in Cuba greater than Spain. The Spanish volunteers and those who grew rich by the slave trade and large slave-owners boldly declare that they will obey no edict of emancipation if one should be issued by the Spanish government.

The manner and conduct of the war and the atrocities perpetrated are to be found in a publication entitled "The Book of Blood," wherein it appears that up to 1873 there were twenty-nine hundred and twenty-seven prisoners put to death in cold blood. This statement is made on the authority of the Havana newspapers. It is also alleged that more than five thousand have disappeared whose fate has never been made known, but no one doubts that they likewise perished. A large number have been arrested in civil life, tried by court-martial and condemned to death, to imprisonment in penal fortresses, or to the disgraceful punishment of labor in the chain-gang. Among these were some of the most distinguished and highly educated inhabitants of the island. The proclamation of Valmasado is well remembered, but I will reproduce it here in part, to show the brutality and inhumanity of the Spanish officials in their conduct of the war in Cuba:

First. Every man from the age of fifteen years and upward found away from his habitation and does not prove a justifiable motive therefor, will be shot.

Second. Every habitation not occupied will be burned by the troops.

Third. Every habitation over which does not float a white flag as a signal that its occupants desire peace, will be reduced to ashes.

Women that are not living at their own houses or at the house of their relatives, will collect near the town of Jiquani or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly.

This pronunciamiento called from Mr. Fish, the Secretary of State, the following remonstrance, addressed to Mr. Lopez Roberts, under date of May 10, 1869:

In the interests of Christian civilization and common humanity, I hope that this document is a forgery. If it be indeed genuine, the President instructs me in the most forcible manner to protest against such a mode of warfare.

One instance of a trial, and what the court-martial was expected to do, is found in the order of the captain-general consigning the president and members of the court to prison for two months, for too great clemency in sentencing a civilian to six years' hard labor in the chain-gang for seditious language:

Don José Domínguez, captain of Spanish infantry, was in the village of Veguita in the jurisdiction of Colon. On September 27, 1870, he ordered a peaceable man to be shot because he suspected him to be an insurgent, and that as soon as he was executed his ears should be cut off and his tongue cut out. On the following morning he invited three of his friends, brother officers, to breakfast, and presented to them as a choice dish the ears and tongue of the insurgent, cooked! His friends were horrified, and reported it to the commanding officer. The cannibal was tried and condemned to death; but he was subsequently pardoned by special order of the King of Spain, who was thoroughly cognizant of the circumstances of the case, and restored him to his command.

The American people, Mr. President, cannot look upon the struggle in Cuba with indifference. On the one side it is a struggle for life, for liberty, for property; on the other, for subjugation, abject and complete. In their declaration promulgated at Manzanillo in October, 1868, the Cubans state the case thus:

In arming ourselves against the tyrannical government of Spain, we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.

It is well known that Spain governs the island of Cuba with an iron and blood-stained hand. The former holds the latter, deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally persecuted and thrown into exile or executed by military commissions in times of peace; hence their being kept from public meetings and forbidden to speak or write on affairs of state; hence their remonstrances against the evils that afflict them being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from

her shores by the Spanish government. And as Spain has many a time promised us Cubans to respect our rights without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation utterly revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleadings for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battle-field, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them, and secure our future welfare.

To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

For seven years, Mr. President, has this "appeal to arms" continued. Spain has exerted all her power to overcome the resistance to her despotic rule; but who can say that she is any nearer success than she was six years ago? Nay, is not success less probable now than it was when the war first began? I admit that the question is one of great delicacy and should be treated with due regard to a continuance of friendly relations with the Spanish government. But all things must eventually reach their end. It cannot be expected that the forbearance of the American Government is to continue forever, or that we shall confine our action in the future as in the past to mere diplomatic remonstrances. So far from it, I submit that the time has come for a policy having in view a speedy pacification of the island. That we should quietly regard a struggle almost within sight of our shores, characterized by a brutality worthy the most ferocious of the savage tribes of our own country, is little creditable to our humanity. It may be true that governments may have nothing to do with sentiment, but in this case the instincts of humanity unite with statesman-like prudence in urging a course which will both tend to put a stop to the further prosecution of a bloody strife and to preserve peace between the two countries. So long as the war in Cuba continues peace with Spain is constantly menaced. No one knows how soon the country may be startled and shocked by a second Santiago de Cuba massacre; and so deeply impressed is the public mind with the danger of a repetition of that terrific butchery that the Government has found it necessary to keep a fleet of war vessels within easy reach of the Cuban coast at a cost of merely fitting out the fleet of \$6,000,000, occasioned by the manifest disregard by the Spaniards of our rights as a nation and their defiance of our Government.

No other government situated as we are, with all our sympathies pointing in one direction and our interests following the direction of our sympathies, could have exhibited to the world in the face of great persecution such a spectacle of forbearance. The question to be determined is as to the nature of the "new departure" to be adopted toward Cuba. I am not aware that to accord belligerent rights to the Cubans could be construed as an act of hostility to Spain, and this, unless indeed the policy of official remonstrance and delicate suggestion which experience has shown to be barren of practical results is to continue to mark our treatment of the subject, is the least that can be done. Recognition of Cuban independence would be far more in consonance with our own history as a nation and far more in accord with the genius and spirit of our Government. Expressions of sympathy for the success of the Spanish colonies of South America struggling to establish their liberty and independence were adopted by the House of Representatives in 1821, and in the following year recognition of their independence was voted with extraordinary unanimity by the same body. In urging this step on Congress President Monroe said:

In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties, and that the United States owe it to their station and character in the world, as well as to their essential interests to adopt it.

In the debate on the resolution reported by the Committee on Foreign Relations in the House, in March, 1822, Mr. Poinsett said:

Sir, if ever there was an occasion that justified a revolution, that called upon the people to recur to first principles, and to seek relief from an abuse of power by an appeal to arms, this was one. The revolution of the Spanish colonies did not arise from a mere question of abstract right but from actual suffering and grievous oppression; from causes radical and certain though gradual in their operations, causes that would have inevitably produced a revolution without the violent crisis to which the mother country was exposed and which only accelerated that event. It was felt in their government, in the administration of justice, in their agriculture, in their commerce, and in their pursuit of happiness. Governed by viceroys responsible in name, but in fact as arbitrary as the King of Spain himself, who commanded not only the military governors and intendents of provinces but presided over the tribunals of justice. And let any one imagine what kind of government the miserable colonists must have enjoyed under European Spaniards vested with such powers and who had nothing to dread but an examination of their conduct before a tribunal two thousand leagues from the theater of their injustice. The colonist could not even enjoy the natural advantages by which he was surrounded.

This language, Mr. President, was uttered fifty-two years ago, and yet, sir, it is as applicable to the character of Spanish rule in Cuba to-day as it was when Spanish tyranny drove the South American colonies to take up arms to redress their grievances. While other nations

have learned to respect the aspirations of the subjects for a more enlarged freedom, Spain remains as imperious and blind in her tyranny as when she "lost Flanders through her cruelty." "We have now the right," said a member of the Cortes, in speaking of the treatment of the Cubans by Spain, "of being held up as the most inhuman people in all civilization." To me the establishment of a republic in Spain, while the effort is made to force upon the Cubans a government by means which provoke the abhorrence of all Christendom, has more the appearance of a solemn mockery than a reality. From having once been the most powerful nation of the earth, she has lost her provinces one by one through oppressive cruelty, and her statesmen of the present day appear to know no better instrument of government or effective means of challenging the confidence and affections of their distant subjects than the sword and blood, wielded and shed by rapacious generals and a brutal soldiery.

"The provinces belonging to this hemisphere are our neighbors," said Mr. Monroe, and we cannot avoid, if we would, feeling a deep solicitude in their welfare.

The suspension of our neutrality laws would soon end the contest in Cuba. Granting to the struggling Cubans belligerent rights would be a step toward the same end, while a recognition of their independence would as certainly be the means of insuring that independence as that effect follows cause. Chili and Peru have already extended that recognition, and I am persuaded that a similar act on the part of the American Government could not fail of carrying with it such moral force as to result in changing the character of the war waged by Spain and in restoring peace to the island.

Sooner or later, Mr. President, will one or the other of these lines of policy be adopted, and sooner or later will Spanish domination in the Gulf cease. Cuba may not in the life of the present generation become one of the States of the American Union, but that she will cease to be a dependency of Spain is inevitable. This catastrophe has been hastened by the course of the mother country in persistently denying to the Cubans "their inborn rights," and by subjecting their lives and property to the will of rulers whose rapacity, arrogance, and pride see in those who are not of Spanish blood only enemies to be plundered and in time to be imprisoned and slain.

These struggling people have established a government which appeals to us for recognition and sympathy, and for one I am prepared to take my share of responsibility for the consequences that may follow the acknowledgment of the fact. In the case of Texas, after the battle of San Jacinto and before peace had been made with Mexico, Mr. Webster said, "That if the people of Texas had established a government *de facto* it was undoubtedly the duty of this Government to acknowledge their independence." Of the million and a half of people inhabiting the island, it is estimated that thirteen-fifteenths are earnest sympathizers with the rebellion, while authentic information shows that the Cuban army numbers more men than General Washington was able to concentrate at any one point during the whole period of the revolutionary war. Of pure Spanish blood it is supposed that there are not exceeding one hundred thousand persons in Cuba, and it is from this class of the population that the "volunteers" are made up, and it is through them that Spain expects to continue her grasp upon the fairest gem of her West India possessions. To use the language of a Senator in urging the recognition of the South American governments:

Shall we as a nation stifle all our sympathies in favor of free government to gratify the vain-glorious pride of Spain? If we do, we shall betray the rights and interests of republics. Heaven, in giving freedom to us first, made it our primal eldest duty to go forth first and acknowledge it in others. Honor and duty call alike upon us to perform the rightful mission. The same Providence that gave us success in our revolutionary struggle is conducting the other nations of America through bloody wars to peace and independence. Our approbation may inspire them with fresh confidence and stimulate their love of liberty.

The commerce of the United States has been injuriously affected by the civil war which has existed in Cuba and because of the various impositions made upon it by the decrees of the captains-general when seeking to obtain the means to meet the extraordinary expenses made necessary thereby. The trade of the United States with Cuba amounts to about one hundred millions yearly. The State which I have the honor in part to represent has been deprived of a commerce which formerly furnished employment to many vessels and men and considerable capital. It was constantly growing and capable of extension. I allude to the exportation of live and cured fish to Cuba, a business which has been entirely destroyed by the repeal of the liberal system of free trade established in respect to vessels carrying fish to Havana by Captain-General Tacon, a man who although of an arbitrary character, acted upon a wise and enlightened policy in matters of trade.

If we had free trade with Cuba the ports of Florida would be found well situated for interchange of products of Florida and western products for those of Cuba. This mode of communication between Cuba and the West was formerly used to some extent, but the recent construction of railroads connecting the rivers and sea-ports of Florida with Louisville, Saint Louis, and Cincinnati has greatly increased the means of communication with the island and lessened the cost. The Gulf States could furnish Cuba with lumber, live stock, &c., and take from it many articles not now imported because of the restriction in trade on them imposed by the government of Cuba. The particular operation of these restrictions on our commerce and the amount of our consequent losses I will not undertake to specify; they are easily

ascertained by reference to the reports on the subject made to Congress by the Secretary of the Treasury. I allude to the subject only to show that our people suffer loss by the civil war in Cuba, and that they are sensible thereof, and for this and other more potent reasons desire that our Government should take proper and becoming action, such as will tend to restore peace and establish a liberal government in the island. That such is the public sentiment of Florida appears from the declarations made of them by the Legislature of the State; that the people have given expression to their sympathy with the Cuban patriots in the most emphatic and positive manner I am able to assert. What has tended forcibly to arouse feelings of interest in behalf of the Cubans and dislike of Spanish rule in Cuba has been the forced emigration to Florida of thousands of native Cubans who fled to the United States to escape from the cruel and arbitrary rule which exists in their native land. These people were cut off from their countrymen who are in arms against Spain and had no other refuge from death or imprisonment save in voluntary exile; with them came many faithful servants of the colored race, whose stories of the wrongs and injuries which are inflicted by the military tyrants who hold sway in Cuba are such that the colored citizens of Florida are specially affected thereby as well as by the continuance of African slavery in Cuba, and they are anxious that the United States should extend some aid to those who are fighting in Cuba to procure freedom for all its inhabitants without respect to race. So strong is this feeling among the colored citizens of Florida that thousands of them would gladly give their active assistance to the Cubans.

Could they do so without violating the laws of the country? At a recent period when hostilities with Spain seemed probable, large numbers of the colored citizens of Florida consulted together for the purpose of tendering their services to the Government to serve in any military force that should be sent to Cuba. The strongest military spirit was displayed among them, and they regret that the opportunity they coveted to aid their brethren in Cuba was lost to them. Should the occasion ever come when they can be employed in such manner I undertake to pledge that their services will be tendered by them with the greatest enthusiasm.

The Cubans who have made their homes in Florida are a peaceable, industrious, and law-abiding people; they have established branches of industry with which they were familiar, which increases the resources of our State and pays to the national Treasury a large sum of money annually, more than half of the receipts from all other sources of internal revenue in the State.

I have not confined myself strictly to the subject of the resolution which I have offered, because I feel that the safety of American citizens demands something more than a remedy confined in its operation to the redress of any particular injury to a citizen who travels to Cuba for business or pleasure, but that the true course for the Government to pursue is such a one as will secure him perfect protection in the future and render the constant repetition of the wrongs inflicted impossible. It is therefore relevant to speak of the conduct of the war in Cuba, its probable termination in favor of Cuban independence, and the reasons why we should extend such moral countenance and support to the cause with which we cannot but sympathize and as our duty as a neutral will permit.

Mr. EDMUNDS. I move that the resolution be referred to the Committee on Foreign Affairs.

The motion was agreed to.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 700) granting a pension to the minor children of Michael Weiss, deceased;

A bill (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

A bill (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia;

A bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 554) for the relief of William I. Blackstone, of Saint Mary's County, Maryland;

A bill (H. R. No. 3023) for the relief of Andrew Mason;

A bill (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

A bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers; and

A bill (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia.

#### EXTENSION OF THE SESSION.

The message also announced that the House had passed a resolution to extend the present session of the Forty-third Congress to six o'clock p. m. to-day; in which the concurrence of the Senate was requested.

The Senate proceeded to consider the following resolution of the House of Representatives:

*Resolved by the House of Representatives, (the Senate concurring.)* That the President of the Senate and the Speaker of the House of Representatives shall be author-



ized to close the present session of Congress by adjourning their respective Houses on the 23d of June, 1874, at six o'clock p. m.

The resolution was agreed to.

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business, and after two hours spent therein the doors were reopened.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

#### RECESS.

Mr. SHERMAN. I move that the Senate take a recess till a quarter after five o'clock.

The motion was agreed to; and (at four o'clock and twenty-five minutes p. m.) the Senate took a recess until a quarter after five o'clock, at which hour the Senate reassembled.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a resolution appointing Mr. HORACE MAYNARD of Tennessee, Mr. JEREMIAH M. WILSON of Indiana, and Mr. S. S. COX of New York, a committee on the part of the House of Representatives to join a committee of the Senate to wait upon the President of the United States and inform him that unless he have some further communication to make the two Houses of Congress are ready to close the session.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 921) to prevent the useless slaughter of buffaloes within the Territories of the United States;

A bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873;

A bill (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas;

A bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

A bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

A bill (H. R. No. 3016) granting a pension to Ira Douthart;

A bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

A bill (H. R. No. 3534) to change the times of holding the circuit and district courts in the city of Evansville;

A bill (H. R. No. 3175) for the relief J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

A bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah;

A bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy;

A bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York;

A bill (S. No. 633) for the relief of A. H. Von Luettwitz, late lieutenant in Third United States Cavalry;

A bill (S. No. 321) reorganizing the several staff corps of the Army;

A bill (S. No. 600) for the relief of Captain James B. Thompson;

A bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name; and

A bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River at Portland, in the State of Oregon.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain;

An act (S. No. 252) to remove the disabilities of John Julius Guthrie; An act (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

An act (S. No. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route numbered 8151;

An act (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York;

An act (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

An act (S. No. 436) for the relief of Lieutenant John Shelton;

An act (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

An act (S. No. 552) to refund to E. and J. Koch certain customs duties;

An act (S. No. 683) to authorize the use of gilt letters for the names of vessels;

An act (S. No. 733) regulating gas-works;

An act (S. No. 794) to legalize the muster of Reuben Pratt as second lieutenant;

An act (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

An act (S. No. 875) for the relief of Thomas Hughes;

An act (S. No. 849) to prevent hazing at the Naval Academy;

An act (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania;

An act (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities; and

An act (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

#### EDUCATION REPORT.

Mr. ANTHONY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the resolution of the House to print extra copies of the Report of the Commissioner of Education for the year 1873, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said resolution, and agree to the same.

H. B. ANTHONY,  
T. O. HOWE,  
ELI SAULSBURY,  
*Managers on the part of the Senate.*  
JAMES MONROE,  
EPPA HUNTON,  
*Managers on the part of the House.*

The report was concurred in.

#### HOSPITAL FOR WOMEN.

The PRESIDENT *pro tempore*. Under chapter 415 of the laws of 1872, in regard to the Columbia Hospital for Women and Lying-in Asylum, it is required that for this institution one Senator shall be appointed, and two Representatives by the Speaker of the House, the President of the Senate to appoint the Senator. Under this section the Chair appoints Senator SARGENT, of California.

#### NOTIFICATION TO THE PRESIDENT.

Mr. EDMUNDS. I move that the Senate take up the communication of the House on the subject of closing the session.

Mr. MORRILL, of Vermont. The chairman of the Committee on Agriculture desires that Senate bill No. 912, to annex certain land to reservation No. 2, occupied by the Department of Agriculture, be acted upon. It has been accidentally overlooked. I ask that it be taken up.

Mr. EDMUNDS. This will not interfere with that. This action does not prevent it at all.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of the resolution of the House in regard to the close of the session. Is there objection? The Chair hears none, and the resolution will be reported.

The Chief Clerk read as follows:

*Resolved*, That a committee of three members of the House of Representatives be appointed to join such committee as may be appointed by the Senate to wait upon the President of the United States, and inform him that if he has no other communication to make the two Houses are ready to close the present session of Congress.

Mr. EDMUNDS. I move that the Senate concur in the resolution, and that the Chair appoint three members of the Senate to act in concurrence with the members of the House.

The motion was agreed to; and the President *pro tempore* appointed Mr. EDMUNDS, Mr. ANTHONY, and Mr. BAYARD as the committee on the part of the Senate.

#### JOHN FORSYTH.

Mr. GORDON. I move that the Senate proceed to the consideration of Senate bill No. 823; and I wish to substitute the House bill for it with the consent of the Committee on the Judiciary.

Mr. EDMUNDS. What is the bill of the Senator from Georgia?  
Mr. GORDON. It is a bill to remove the political disabilities of John Forsyth, of Mobile, Alabama. The House passed a bill in the same words. I wish simply to substitute one for the other.

Mr. EDMUNDS. I believe that is all right, and the Senate ought to consider it.

Mr. CLAYTON. If there is any further legislation I ask the Chair to decide the point of order I raised before the recess.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. CLAYTON. The point of order is that at the time the Senate proceeded to the consideration of executive business the Senate had under consideration House bill No. 2771. That bill was not postponed or laid aside. The Senate proceeded to the consideration of executive business, and I claim that that bill is now the unfinished business.

The PRESIDENT *pro tempore*. The Chair thinks that is so.

Mr. EDMUNDS. That being so, I think it in the interest of public—

Mr. CLAYTON. I should like to address the Chair on that subject if it is in order.

Mr. EDMUNDS. If the Senator will pardon me, here is a nomination we must act on within the next half hour. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

After five minutes spent in executive session the doors were reopened.

Mr. GORDON. I ask that the Forsyth bill be considered now.

There being no objection, the bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities was considered as in Committee of the Whole.

Mr. EDMUNDS. I have no objection, but I wish to state so that it will be in the RECORD that we have considered this bill; this gentleman has put in his petition in the proper way, and he falls clearly within the class of cases for whom we make this removal of disabilities, and therefore it is right. The Senator from Georgia is the friend of this gentleman, and it is right to him that we should pass this House bill, because he does not stand on any other ground than the others.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

#### AGRICULTURAL DEPARTMENT.

Mr. MORRILL, of Vermont. I now move that the Senate proceed to the consideration of Senate bill No. 912.

The motion was agreed to; and the bill (S. No. 912) to annex certain lands to reservation No. 2, occupied by the Department of Agriculture, was considered as in Committee of the Whole. It enacts that the public ground which lies immediately north of reservation No. 2, now in the occupancy of the Department of Agriculture, made by the filling-up of the canal, be attached to and shall hereafter be a part of the said reservation No. 2, in the occupancy of the said Department of Agriculture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### J. SCOTT PAYNE.

Mr. CLAYTON. I should like to know what has become of the bill which was taken up on my motion.

The PRESIDENT *pro tempore*. The Senator's bill is pending.

Mr. CLAYTON. I ask action on the bill, as it is just and right.

The PRESIDENT *pro tempore*. If there be no objection the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry, is before the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

On motion of Mr. EDMUNDS, the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened.

#### PUBLIC BUILDINGS COMMITTEE.

Mr. MORRILL, of Vermont. I move that the Committee on Public Buildings and Grounds have leave to sit during the recess.

The motion was agreed to.

#### FORT SEDGWICK RESERVATION.

Mr. HITCHCOCK. I move to take up the bill (S. No. 721) for the restoration of public lands in Fort Sedgwick reservation, in Colorado and Nebraska, to settlement and entry.

Mr. SHERMAN. That is too important to be acted on now.

Mr. HITCHCOCK. It is reported by the Committee on Military Affairs in accordance with the recommendation of the War Department, and it is simply to return the land to settlement by settlers. I am quite sure there ought to be no objection to the passage of the bill.

Mr. SHERMAN. Is it a military reservation?

Mr. HITCHCOCK. It has been.

Mr. SHERMAN. It might involve a very large amount. Suppose it was proposed to open the Fort Leavenworth reservation?

Mr. HITCHCOCK. I presume it would be difficult to obtain the indorsement of the Secretary of War to open the Fort Leavenworth reservation.

Mr. SHERMAN. Does this bill provide that the land should be sold at public outcry?

Mr. HITCHCOCK. That it shall be open to settlement and entry. The land lies over five hundred miles west of Omaha, on the western border of our State.

Mr. SHERMAN. But it might be worth more than \$1.25 an acre.

Mr. HITCHCOCK. I think not.

Mr. SHERMAN. It is for the Senate to say whether we ought to open a military reservation, which has been reserved, to ordinary pre-emption and homestead settlement. It is really giving away reserved land.

Mr. HITCHCOCK. It is giving it to citizens of the United States. The Senator himself can go out there and pre-empt if he chooses.

Mr. SHERMAN. But I think if I should go out and pre-empt land reserved by the Government of the United States I would get an advantage over other citizens.

Mr. HITCHCOCK. The advantage is open to all.

Mr. SHERMAN. I have no objection to the bill being read that we may know what it is, but we ought not to act on anything now but matters of minor moment.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. SHERMAN. I object to it unless the land is to be sold in the ordinary way.

The PRESIDENT *pro tempore*. The Chair will put the question on proceeding to the consideration of the bill.

The motion was not agreed to.

#### COINAGE OF TWENTY-CENT PIECES.

Mr. SARGENT. Senate bill No. 468, authorizing the coinage of twenty-cent pieces of silver at the mints of the United States, is reported favorably by the Committee on Finance, and I ask that it may be considered.

There being no objection, the bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES L. PUGH.

Mr. GOLDTHWAITE. I move that the Senate proceed to the consideration of Senate bill No. 781.

The motion was agreed to; and the bill (S. No. 781) for the relief of James M. Pugh, was considered as in Committee of the Whole.

The Committee on the Judiciary propose to amend the bill by striking out "M" and inserting "L."

The amendment was agreed to.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

#### DENVER AND RIO GRANDE RAILWAY.

Mr. SCOTT. I ask the Senate to consider no more harmless a bill than to correct a clerical error in a former act, Senate bill 867.

The motion was agreed to; and the bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the resolution of the House to print extra copies of the report of the Commissioner of Education for the year 1873.

The message also announced that the Speaker of the House had appointed Mr. EBENEZER ROCKWOOD HOAR, of Massachusetts, and Mr. ALEXANDER MITCHELL, of Wisconsin, members on the part of the House of the joint committee authorized to be appointed by the fifth section of the act for the government of the District of Columbia, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3604) to establish certain post-routes;

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry; and

A bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities.

#### SHOSHONE INDIANS.

Mr. BUCKINGHAM. I ask the Senate to consider House bill No. 2104. It is like Senate bill No. 604, which has been recommended by the Committee on Indian Affairs.

The Chief Clerk read the title of the bill, as follows:

A bill to confirm an agreement made with the Shoshone Indians (Eastern band) for the purchase of the south part of their reservation in Wyoming Territory.



Mr. ROBERTSON. Has that bill ever been reported by the Senate committee?

Mr. BUCKINGHAM. A bill precisely like that has been reported by the Committee on Indian Affairs and is on the Calendar as a Senate bill. This House bill on the same subject passed in the House, and I am authorized now to report that for action.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. LOGAN. I move the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### POSTAL-CAR SERVICE.

Mr. MITCHELL. I was directed yesterday by the Committee on Transportation Routes—

Mr. SPENCER. Will the Senator yield to me for a moment?

Mr. MITCHELL. Not now.

Mr. SPENCER. Only for a second.

Mr. MITCHELL. Yesterday I was instructed by the Committee on Transportation Routes to the Sea-board to submit a resolution, which was laid on the table. I ask its present consideration.

The resolution was read, as follows:

*Resolved*, That the Select Committee on Transportation Routes to the Sea-board be authorized to prepare and report to the next session of Congress a bill providing for compensation for postal-car service, and for that purpose such committee is authorized to sit at Washington city during the recess of Congress and to make such further investigations as they may deem proper, and to employ a clerk; and that the actual and necessary expenses be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to consider the resolution?

Mr. CLAYTON. Can that be considered without lying over one day?

The PRESIDENT *pro tempore*. It was reported yesterday and laid over under the rule. It is in order now to proceed to its consideration.

Mr. CLAYTON. I want to speak on that.

Mr. MITCHELL. It does not provide for a roving commission.

Mr. CLAYTON. During the afternoon a resolution introduced by the Committee on Territories was considered which I think is as important as this resolution. The information asked for there it seems to me can be obtained of one of the Departments of this Government, and I do not see why this committee should sit for this purpose any more than any other.

Mr. STEWART. Will not the Senator allow me to offer a resolution?

Mr. CLAYTON. I yield for that purpose.

Mr. SPENCER. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Arkansas yield?

Mr. CLAYTON. Temporarily.

Mr. SPENCER. I ask the Senate to reconsider the vote by which the disabilities of John Forsyth of Alabama were removed to-day.

Mr. GORDON. Allow me to interrupt the Senator. I hope he will state his reasons for the reconsideration.

Mr. SPENCER. I objected to that bill. I believe in the courtesy of the Senate. The Senator from Georgia very well knew that I objected to the passage of the bill, and it passed by a *viva voce* vote, when the Constitution of the United States requires that two-thirds of all the Senators present shall vote to relieve the disabilities of any man. Mr. Forsyth has invited the assassination of republicans because they believed in republican principles in the South, and he is a man who has been a violent rebel. I have been as liberal to those who have been rebels as anybody in the Senate of the United States, and am willing to be so in the future; but I insist that the motion to reconsider shall be entered, and that the Senate reconsider this bill, and that a yea and nay vote be taken on that motion to reconsider.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that the bill has been enrolled and sent to the President, and it is past the power of a motion to reconsider.

Mr. STEWART. I submit the following resolution—

Mr. MITCHELL. I believe the question was as to whether the Senate would proceed to the consideration of the resolution reported by me yesterday.

The PRESIDENT *pro tempore*. The Senator from Oregon is correct. The question is on the motion of the Senator from Oregon to proceed to the consideration of the resolution indicated by him.

The motion was not agreed to.

#### CLERK OF A COMMITTEE.

Mr. STEWART. I offer the following resolution:

*Resolved*, That the clerk of the Joint Committee on District Affairs be, and is hereby, included in the resolution heretofore adopted allowing pay to committee clerks until July 10, 1874.

He has earned it, and has done a good deal more work than the others.

Mr. MORRILL, of Maine. I object to that resolution.

Mr. STEWART. I will state what it is.

Mr. MORRILL, of Maine. Let it be read again.

Mr. STEWART. It is to pay the clerk of our investigating committee the same as the other clerks up to the 10th of July.

Mr. MORRILL, of Maine. Is that all?

Mr. STEWART. That is all.

Mr. MORRILL, of Maine. I have no objection.

The resolution was agreed to.

#### COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. EDMUNDS. The committee appointed to wait on the President of the United States and inform him that the two Houses of Congress had concluded the business of the session and were ready to adjourn, have the honor to report that they have visited the President of the United States, who has informed them that he has concluded the duties that devolve upon him in respect to this session, and has no communication to make to the two Houses. I therefore move, Mr. President, that the Senate adjourn without day.

Mr. SARGENT. We had better wait until six o'clock.

Mr. EDMUNDS. Very well. I withdraw the motion.

#### THE GREENE STATUE.

The PRESIDENT *pro tempore*. Under the miscellaneous appropriation bill which authorizes the President of the Senate to appoint a commissioner in regard to the statue of General Nathanael Greene the Chair appoints the Senator from Vermont, Mr. MORRILL.

#### BILL POSTPONED.

Mr. BUCKINGHAM. I ask the indefinite postponement of the bill (S. No. 604) to confirm an agreement made with the Shoshone Indians (Eastern band) for the purchase of the south part of their reservation in Wyoming Territory, which is just like the House bill that we have passed.

The motion was agreed to, and the bill was indefinitely postponed.

#### ASBURY DICKINS.

Mr. ANTHONY. Now there are two or three minutes left of this session, and let us close it by an act of grace to the representatives of an old and faithful servant of this body. I hope the Senator from Wisconsin will withdraw his motion to reconsider the bill for the relief of Asbury Dickins.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin withdraw?

Mr. HOWE. Mr. President, I have not withdrawn, and I do not know of any reason why I should.

Mr. ANTHONY. Because I ask you to.

Mr. HOWE. I will take that into consideration, and I will inform my friend at the next meeting.

Mr. SARGENT. Would it be in order to call it up and move to lay it on the table?

The PRESIDENT *pro tempore*. The Senator can move to proceed to the consideration of it.

Mr. SARGENT. I do move it.

The PRESIDENT *pro tempore*. The Senator from California moves to proceed to the consideration of the motion to reconsider the vote on the bill for the relief of the heirs of Asbury Dickins.

Mr. EDMUNDS. Mr. President—

Mr. SARGENT. If the Senator desires to debate it I will withdraw the motion.

Mr. EDMUNDS. No; I am ready to hear the Senator from California on the propriety of taking up this bill.

Mr. SARGENT. We have so little time to take it up, provided there is the slightest objection—

Mr. EDMUNDS. I shall be glad to hear the Senator.

Mr. SARGENT. It was debated at great length, and I think the Senator must have been convinced by debate. As the Senator from Rhode Island says, it is an act of grace to pass it. We cannot do better during the closing minutes of the session, and I hope the vote may be taken at once.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 781) for the relief of James L. Pugh.

#### FINAL ADJOURNMENT.

The PRESIDENT *pro tempore*, (at six o'clock p. m.) Senators, I should do great injustice to my own feelings if I did not return to you my heartfelt thanks for your kindness at the present session.

It is remarkable that the more we see of the Constitution of the United States and the more familiar we become with it in practice, the more we admire the wisdom of its provisions. I have since presiding here by your favor at this session, come to esteem as I never did before the wisdom of that provision which separates the Presiding Officer from the members of the body. He who occupies this chair, the duties of which are so nearly judicial, ought not to be a Senator, for as a Senator he must more or less participate in debate and take more or less interest in the questions which are pending here; and, if not suspected by others of partiality toward those questions in which he takes an interest, he must, if he be a right-minded man, suspect himself of partiality, and it may be, in endeavoring to avoid that, lean too far the other way.

I thank you again, gentlemen, for your courtesy, your kindness, the patience with which you have borne the errors which were necessarily the result of my inexperience as a presiding officer; and hoping that you will in safety reach your homes and there meet an approving constituency, that we shall meet here again in December in health and prosperity, and returning to the corps of clerks before me my thanks for their co-operation in performing the duties of the Chair, I now proceed to execute the order of the two Houses of Congress, and declare that the Senate of the United States is adjourned *sine die*.

## HOUSE OF REPRESENTATIVES.

TUESDAY, June 23, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. MAYNARD. I move to dispense with the reading of the Journal of yesterday.

Mr. SPEER. I object.

The SPEAKER. Never since the beginning of Congress has the Journal been demanded to be read under like circumstances.

Mr. MAYNARD. I move to suspend the rules to dispense with the reading of the Journal.

The rules were suspended, (two-thirds voting in favor thereof,) and the reading of the Journal was dispensed with.

### ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned; when the Speaker signed the same.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875.

### HYACINTHE DE ST. CYR.

On motion of Mr. GIDDINGS, by unanimous consent, leave was granted for the withdrawal from the files of the Committee on War Claims of the papers in the case of Hyacinthe de St. Cyr; no adverse report having been made thereon.

### J. B. CHAPMAN.

On motion of Mr. RAINEY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. B. Chapman, which had been favorably reported on from the Committee on Indian Affairs.

### ED. T. PRESTON.

On motion of Mr. HUNTON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Ed. T. Preston.

### BRACKEN & HINES.

On motion of Mr. HAVENS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Bracken & Hines.

### BREVET BRIGADIER-GENERAL J. M. ROBERTSON.

On motion of Mr. NESMITH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the private papers in the case of Brevet Brigadier-General J. M. Robertson, no adverse report having been made thereon.

### ROBERT TILLSON & CO.

Mr. KNAPP. I move, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the papers in the case of Robert Tillson & Co.

Mr. LAWRENCE. I object to the withdrawal of those papers.

### PETER J. KNAPP.

On motion of Mr. MCCRARY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in relation to the bill for the relief of Peter J. Knapp, no adverse report having been made thereon.

### CLARA MORRIS.

On motion of Mr. ARTHUR, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Clara Morris; no adverse report having been made thereon.

### MRS. WOLF.

On motion of Mr. SWANN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Wolf, which were referred to the Committee on War Claims, no adverse report having been made thereon.

### MISS ANNA ELLA CARROLL.

On motion of Mr. MAYNARD, by unanimous consent, leave was

granted for the withdrawal from the files of the House of the papers in the case of Miss Anna Ella Carroll, now before the Committee on War Claims, no adverse report having been made thereon.

### CHARLES COSBY.

On motion of Mr. READ, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Charles Cosby, no adverse report having been made thereon.

### MARTIN KALBFLEISCH & SONS.

On motion of Mr. WILLARD, of Vermont, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Martin Kalbfleisch & Sons, a bill in their behalf having passed both Houses of Congress.

### CAPTAIN JOHN DAVIS.

On motion of Mr. TOWNSEND, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers pertaining to the claim of administration of the affairs of Captain John Davis, a soldier of the Revolution.

### LAWSON & BRENIS.

On motion of Mr. HERNDON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Lawson & Brenis, now before the Committee on War Claims, no adverse report having been made thereon.

### LEAVE TO PRINT.

Mr. COOK, by unanimous consent, was granted leave to print in the RECORD, as part of the debates, some remarks he had prepared on the subject of war claims. (See Appendix.)

### SAGG FORT, TENNESSEE.

Mr. BUTLER, of Massachusetts. I move, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the papers in the case of Sagg Fort.

Mr. LAWRENCE. I object to that, as there has been an adverse report in that case.

The SPEAKER. The Clerks are instructed not to allow the withdrawal of papers from the files where there has been an adverse report, but where any gentleman of the House knows the fact it is better to state it.

Mr. RANDALL. It is the understanding, I suppose, that copies in all these cases are left on file.

Mr. HAWLEY, of Illinois. I should like to ask a question. When these papers are withdrawn is the correspondence with the Departments, and other public papers in reference to the claim, also withdrawn at the same time?

The SPEAKER. Nothing is withdrawn by the parties but what they themselves have filed.

Mr. HAWLEY, of Illinois. Then I am to understand they do not withdraw all the papers.

The SPEAKER. No; only those which they themselves have filed.

### ROBERT TANSILL AND MARCELLUS CHRISTIAN.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia; which was read a first and second time.

Mr. MORRISON. I move to include in that bill also the name of Marcellus Christian.

The amendment was adopted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

The title was amended so as to include the name of Marcellus Christian.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. In view of the fact that we have just received notification from the Senate of the adoption by that body of the report of the committee of conference on the sundry civil appropriation bill, I hope the gentleman from Indiana [Mr. TYNER] will consent to postpone the post-office appropriation bill for the present so that we may take up the sundry civil appropriation bill, as it will require more time for its engrossment.

Mr. TYNER. I do not object to that.

### DIRECT TAXES.

Mr. DAWES. I ask both of these gentlemen to give way to me for a moment. There is a bill on the Speaker's table from the Senate, an act (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of an act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act. The same bill was attached to the tariff bill; it has passed both Houses of Congress. Now, in consequence of



the postponement of the tariff bill until December next, I ask that this bill be taken up and passed.

There was no objection.

The bill, which was read, provides that the time allowed by the first section of the act approved June 8, 1872, be extended for the term of two years from the 1st of June, 1874. The second section provides that the operation of the fourth section of said act be suspended until the expiration of the said term of two years from the said 1st day of June, 1874.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PERSONAL EXPLANATION.

Mr. YOUNG, of Georgia. Mr. Speaker, I notice in the RECORD of June 2, during my absence from the House, that my colleague [Mr. Cook] stated that if I were present I should vote in favor of the bill then under consideration, which provides that every female citizen of the United States otherwise qualified shall be admitted to practice as attorney and counselor at law in the several courts of the United States. I have ever been opposed to that measure, and my colleague ought to have known it. If present I should have opposed it.

#### MARCUS OTTERBOURG.

Mr. COX. I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 994) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico.

This is a bill to pay our ex-minister to Mexico who never received a cent simply because he could not find a proper officer to swear before, and the bill has been informally considered by the Committee on Foreign Affairs of the House, and has their approval.

The bill was read. It directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Marcus Otterbourg, late consul of the United States at the city of Mexico, and having been designated minister plenipotentiary to the republic of Mexico, in full compensation for his services as minister to Mexico from June 21 until September, 1867, both inclusive.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. COX. I ask that by unanimous consent the report on this case made to the Senate by Mr. Sumner be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

[The report of the Committee on Foreign Relations of the Senate is as follows:

Mr. Marcus Otterbourg was appointed consul of the United States at the city of Mexico in August, 1861. In July, 1865, he tendered his resignation, assigning as a reason that his salary, by law fixed at \$1,000 per annum, was inadequate to permit him to represent the country creditably. His resignation was accepted by Mr. Hunter, acting Secretary of State, with the request that he would continue to hold the office until the arrival of a successor at his post of duty.

Of subsequent facts of importance in this case Mr. Seward, then Secretary of State, made the following official statement, dated February 23, 1869:

Mr. Otterbourg returned to the United States. In March, 1866, he went back to Mexico, as consul, and to take charge of the archives of the legation, Mr. William H. Corwin, acting chargé d'affaires, having been recalled. He reported himself as having arrived at Mexico on the 8th day of April, 1866, and as being occupied in verifying the inventory of archives and other property of the legation, which was finally completed, and he put in charge thereof by Mr. Corwin, in pursuance of the instructions of the State Department, on the 20th day of the same month. He was thenceforward recognized as a consular officer, performing, and authorized to perform, diplomatic functions, so far as such were necessary and practicable in the exceptional condition of Mexico and of the relations of this government to the usurping government of Prince Maximilian, in actual possession of the capital, and to the rightful government of President Juarez, which was generally remote therefrom and migratory with the vicissitudes of war.

Mr. Otterbourg kept the Department informed of the political situation in Mexico. His dispatches, not concerning his commercial functions as consul, but those of a political agent, were classified and preserved among the diplomatic archives. In October, 1866, Mr. Otterbourg again returned to Washington, with the approval of the Department, and was directed to make a confidential report on the situation in Mexico at that time. He was furnished with a copy of the instructions to Lewis D. Campbell, who had been appointed minister to Mexico, with whom, on his return, he was directed to communicate.

He proceeded to Mexico and made a report, which he delivered to our minister on his arrival at Vera Cruz. During the whole period, from April, 1866, to June 21, 1867, during which Mr. Otterbourg was consul, and in charge of the legation as aforesaid, there was not in that country any other officer of the United States authorized to perform diplomatic functions therein, except, or otherwise, than that Lewis D. Campbell, a duly commissioned minister, was for a day or two upon its coast, or in the harbor of Vera Cruz, whence he returned without proceeding to the interior, or putting himself in communication with the government of Mexico, except when, in April, 1867, he addressed, from New Orleans, a letter to the Mexican secretary for foreign affairs, requesting humane treatment for Maximilian in case of his capture.

In response to interrogatories for the United States: The United States had at no time a representative accredited to the government of Prince Maximilian. We had no other minister appointed to the government of Mexico during the time for which Mr. Otterbourg claims compensation, and who accepted, or made any attempt to proceed upon his mission, except Lewis D. Campbell, of whom I have before spoken, and no one who, during that period, presented his letters of credence. The office for which Mr. Otterbourg claims salary was not occupied by any other person. During the whole period of the occupation of Mexico by Prince Maximilian, Congress made the usual annual appropriation for a minister to Mexico, with no other variation than that, in the act making appropriations for the consular and diplomatic service for the year ending June 30, 1866, the words "Republic of Mexico" were substituted for Mexico, the same language being repeated in subsequent acts. This Government never recognized the government of Maximilian, in the

sense of acknowledging or treating with it. We knew it only as an awkward political fact, or rather political pretension, supported by force and foreign intervention.

WILLIAM H. SEWARD.

On June 21, 1867, Mr. Otterbourg was nominated by the President minister plenipotentiary and envoy extraordinary of the United States to the republic of Mexico. The Senate adjourned on July 21, 1867, without having confirmed the nomination of Mr. Otterbourg; but he continued to discharge the duties of minister plenipotentiary until August 28, 1867, when he received the notification of the lapse of his commission in consequence of the adjournment of the Senate as above. Mr. Otterbourg thereupon returned to the United States and reported at the State Department November 1, 1867, leaving the consulate in the charge of a competent person.

Having presented his account for his services, it was certified by the Fifth Auditor, as for consul in charge of legation, from April 8, 1866, to June 20, 1867, at the rate of \$2,800 per annum; and for minister from June 21 to September 30, 1867, at the rate of \$12,000 per annum. The First Comptroller, however, deducted all allowance to him as consul in charge of legation and as minister, but admitted and certified the salary of consul.

The case was taken to the Court of Claims, where judgment was rendered for \$5.80 for exercising diplomatic functions from the 19th of August to the 9th of September, 1867, in addition to a further sum due for his services as consul. The court refused to allow salary as minister on the technical objection that Mr. Otterbourg took his oath of office before the consul general of Switzerland, whose authority for that purpose does not appear. There was, however, no one else before whom he could have taken the oath unless he had returned to Washington for that purpose; and furthermore the Department of State regarded him as minister, and promised him compensation as such.

In accordance with the above statements the committee report a bill giving compensation to Mr. Otterbourg as consul performing diplomatic functions from April 8, 1866, until June 20, 1867, both inclusive; and as minister from June 21 to September 30, 1867, deducting what he has received as consul, and the sum of \$85.80 awarded him by the Court of Claims for exercising diplomatic functions from the 19th of August to the 9th of September, 1867.]

#### COMMITTEE ON BANKING AND CURRENCY.

Mr. MAYNARD. I ask on behalf of the Committee on Banking and Currency that they be allowed to have printed for their own use the testimony in two investigations they are making in reference to the Ocean National Bank of New York and in reference to the Bureau of Printing and Engraving.

Mr. RANDALL. For the use of the committee?

Mr. MAYNARD. Certainly.

There was no objection, and leave was granted.

#### PUBLIC BUILDING AT JEFFERSON CITY, MISSOURI.

Mr. CRITTENDEN. I ask unanimous consent to introduce a bill directing inquiry to be made into the necessity of erecting a public building at Jefferson City, Missouri.

Mr. BURCHARD. I object, and call for the regular order.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I present the report of the committee of conference on the sundry civil appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 7, 14, 15, 20, 32, 39, 44, 46, 49, 50, 51, 52, 54, 59, 70, 80, 84, 86, 89, 96, 101, 102, 103, 104, 106, 114, and 121.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 26, 27, 34, 38, 40, 43, 47, 48, 53, 55, 60, 64, 66, 73, 78, 83, 85, 89, 90, 91, 92, 93, 98, 100, 105, 107, 108, 109, 110, 112, 115, 117, and 118, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out after the word "clerks" in line 3 of said amendment all down to the end of line 4, and strike out "sixteen thousand one" and insert in lieu thereof "thirteen thousand seven;" and the Senate agree to the same.

That the House recede from their amendments to the amendments of the Senate numbered 9, 10, and 81, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment numbered 13, and agree to the same with an amendment as follows: After the word "necessary" in line 4 of said House amendment add the following: "for the folding-room of the House;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the words:

"Provided, That the same shall be erected under a contract, the amount to be paid under which shall not exceed \$40,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment striking out the word "fifteen" and inserting in lieu thereof the word "ten;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 22, and agree to the same with an amendment as follows: After the word "five" in line 9 of said amendment add the words "and for temporary clerks in the Treasury Department, \$40,000; and strike out the word 'this,' at the end of the line, and insert the word 'these,' and add to the word 'amount,' at the beginning of line 10, the letter 's,' and at the end of said amendment add the following: "and so much as may be necessary to enable the Secretary of the Treasury to carry into effect the joint resolution for the relief of certain clerks and employees of the United States, approved June 22, 1874, is hereby appropriated;" and the House agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendments numbered 28 and 76, and agree to the same.

That the House recede from their disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 45, and agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment substituting the word "Neversink" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from their amendment numbered 63, with an amendment substituting for the word "Neversink" in line 8, page 27 of the bill, the word "Never-sink;" and the House agree to the same.

That the House recede from their amendment to the amendment numbered 77, and agree to the same.

That the House recede from their amendment to the amendment numbered 79, and agree to the same.

That the House recede from their disagreement to the amendment numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "available" in line 5 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 94, and agree to the same with an amendment as follows: Strike out the words "one hundred" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out of said amendment all after the word "for" in line 21 down to and including the word "enlarge" in line 3, and substitute the word "of" in lieu of "for" in same line, and strike out the words "and perfect the central building" in line 4, and strike off the letter "a" from the word "accommodations" in line 3; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 99, and agree to the same with an amendment as follows:

Insert in lieu of the proposed words the following as a substitute:  
"Provided, That the said building may be built of stone, and its cost, exclusive of the cost of site, shall not exceed \$200,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 111, and agree to the same with an amendment as follows: Add at the end of the amendment the words "which shall be the entire cost of said building;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out in line 6 of the amendment the word "the" and insert in lieu thereof the word "such," and strike out lines 7, 8, 9, and 10, of the amendment, and insert in lieu thereof the following: "As the Secretary of the Navy may deem necessary for the public service."

That the House recede from their disagreement to the amendment numbered 113, and agree to the same with an amendment as follows: After the word "restrictions," in line 6 of said amendment, insert the words "as to materials;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 116, and agree to the same with an amendment as follows: Strike out the word "five," in line 3 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 119, and the Senate recede from that portion of their amendment which proposes to insert new matter; and the House and Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 120, and agree to the same with an amendment as follows: Strike out the word "five," in line 10 of said amendment, and insert in lieu thereof the word "four;" and the Senate agree to the same.

JAMES A. GARFIELD,  
EUGENE HALE,  
WILLIAM E. NIBLACK,  
*Managers on the part of the House.*  
LOT M. MORRILL,  
A. A. SARGENT,  
J. W. STEVENSON,  
*Managers on the part of the Senate.*

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a concurrent resolution, in which the concurrence of the House was requested, authorizing the Joint Committee on Public Printing to sit during the coming recess of Congress.

The message further announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, authorizing the Committees on Appropriations of the two Houses of Congress to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service and the estimates of appropriations therefor and the appropriation bills.

The message further announced that the Senate had concurred in the resolution of the House for the printing of the report of R. W. Raymond on mining statistics, with an amendment; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

The bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction;

The bill (H. R. No. 2349) for the relief of Burke and Kunkel;

The bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri;

The bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828;

The bill (H. R. No. 1939) for the relief of the trustees of James L. Collins, deceased;

The bill (H. R. No. 2187) authorizing and requiring the issuance of a patent of certain lands to the county of Scott, in the State of Missouri;

The bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

The bill (H. R. No. 1410) to fix the salaries of the clerks at the United States Armory, in Springfield, Massachusetts;

The bill (H. R. No. 294) for the relief of Joab Bagley; and

The bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; and

The bill (H. R. No. 3088) to extend the time for completing the entries of the Osage Indian lands in Kansas.

The message further announced that the Senate had passed a bill (S. No. 862) granting a pension to Margaret S. Hastings; in which the concurrence of the House was requested.

Mr. GARFIELD. Unless some gentleman desires to ask some question, I will call the previous question on the report.

Mr. KENDALL. I desire to ask the gentleman what has been done with the Senate amendment No. 116, in regard to the Carson mint in Nevada.

Mr. HALE, of Maine. That is in.

Mr. BUTLER, of Massachusetts. I desire to ask the gentleman from Ohio a single question in regard to this civil-service matter. Will the gentleman state what is the condition of the amendment in relation to that?

Mr. GARFIELD. The exact condition of the civil-service question is this: The Senate appropriated the usual sum of \$15,000, together with the unexpended balance; the House repealed the law authorizing the civil-service commission altogether. There being a difference between the two Houses, the committee of conference agreed to drop the subject out of the bill, and it is not included in it in any way.

Mr. BUTLER. How about the unexpended balance?

Mr. GARFIELD. On the 1st day of July all the unexpended balances for all purposes, except in some cases in which exceptions were made, will be covered into the Treasury.

Mr. BUTLER, of Massachusetts. Well, that is all right; civil-service reform has died instead of being killed.

The report of the committee of conference was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I desire to say in reference to the bill that the committee cut down the total amount appropriated by the bill about \$950,000. At some period during the session I propose to make a statement of what has been done with the appropriation bills.

#### POST-OFFICE APPROPRIATION BILL.

The House then resumed the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. TYNER. I desire to yield to my colleague on the conference committee from Illinois, [Mr. MARSHALL.]

Mr. BUTLER, of Massachusetts. I wish to offer a resolution in relation to the employment of soldiers in the Executive Departments, to which I think there will be no objection.

Mr. MARSHALL. I prefer to go on with my remarks now.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts later on in the day.

Mr. MARSHALL. Mr. Speaker, there is no such thing as perfect legislation upon earth. All legislation is the result of compromise. Mankind is fallible, and all the work of men partakes of their fallibility. The House and the Senate here at the end of the session have found themselves radically differing on some matters of legislation on the post-office appropriation bill. Conference committees have been appointed. Conference committees are only appointed for the purpose, if possible, of bringing the two Houses together on matters on which they differ. If either House insists upon its position, standing on its own position and will not move, the adjustment of differences by this means is impossible.

If any gentleman asks me if I think the bill now reported by the conference committee is a perfect bill, I must answer most emphatically no. I think we ought to have better legislation than this furnishes for the protection of the Government against rings organized to plunder the Government in the contracts let for carrying the mails. But the Senate, governed doubtless by an honest purpose to correct these evils, differs with us as to the means to secure the end. But even if it were possible for Congress to pass a perfect law, unfortunately no law can execute itself. We are still compelled to rely to a great extent upon the efficiency and integrity of the Executive Departments of the Government. It is not to be assumed, at least there ought to be no cause even for suspicion, that the head of a great Department of the Government would at any time enter into collusion with organized plunderers to rob the Treasury. Be this as it may we all know that there is no possible means of protecting the Treasury against raids made under the direction or connivance of corrupt or incapable public officials. We must perform our duty, and if the President and his appointees fail in theirs we cannot be justly blamed therefor.

In reference to this mail service it is known that in regard to large contracts none but capitalists, or those who are able to command capital, can approach the Government for the purpose of obtaining contracts; and it is known that for years men have organized themselves for the purpose of obtaining, and have obtained from the Government, for the mail service double, treble, and even fourfold the value of the service they rendered. By these combinations, and it is generally believed by the connivance if not active co-operation of Government officials, the Treasury has year after year been robbed of



millions of the people's money. The object of this proposed legislation is to protect the Government as far as possible from these organized plunderers. But, as I said before, a great deal must necessarily be left, in the execution of all laws of this kind, and their practical efficiency must depend upon the executive officers. I feel confident that this report, if adopted as the law of the land, furnishes additional guarantees to the people, and is on the whole better than the law we have had heretofore or have now. My colleagues on the conference committee, the gentleman from Indiana, [Mr. TYNER,] the gentleman from Pennsylvania, [Mr. PACKARD,] and the gentleman from Illinois, [Mr. CANNON,] have from their official position here necessarily given more attention to and have much more knowledge in regard to the practical operations of the postal laws than I have. My colleague [Mr. CANNON] especially has devoted much time, labor, and practical ability to this subject, and did more I think than any other member toward perfecting the bill of the House thereon, and I have had the benefit of the judgment and superior information of these gentlemen as to the practical operation of existing laws and the effect of this proposed legislation. And I think it proper to add that every one of my colleagues on the conference committee acted loyally as the representatives of the views of the House, and for the purpose of effecting if possible a compromise which would retain all the conservative principles of the bill as it passed the House. And it was only after various meetings of the committee that the House conferees found it necessary, for the purpose of getting this legislation which we must pass in some form before we can go home, to yield or modify some of their own views in regard to some of the points in controversy.

It was the opinion of every member who had given any attention to the subject that the bill now before the House, although far from perfect, although not precisely what we want, is a great improvement upon existing law. We rarely if ever in legislation get precisely what we would prefer. If this is an improvement on existing law, why not pass it? If it is not, if it furnishes additional means to the robbers and plunderers who are seeking to get the money of the Government without giving an adequate return for it, then vote it down. But it is conceded I believe on all hands that the proposed legislation is an improvement upon existing law. If it is executed by the head of the Post-Office Department loyally in the interest of the Government, and with a determination not to permit the Government to be plundered by these organized bands, it will to a very great extent effect the object we all have in view. And, as I have heretofore said, we are compelled to rely to a great extent upon the ability and integrity of our executive officers. There is no possible escape from this dilemma.

Now as to other points; and I desire to detain the House but a minute or two longer. In regard to postage, the House with great labor and care framed a bill which went to the Senate. I believe, as I have already stated, that my colleague across the way, [Mr. CANNON,] one of the conferees on the part of the House, devoted as much time and labor and ability to the preparation of the bill and securing its passage by the House probably more than any other member of the House. He was on the committee of conference and used all his skill and intelligence in endeavoring to get the Senate conferees to agree to the views of the House. But in this we failed in part. The present bill proposes a reduction of at least 50 per cent. upon the present rate of postage on newspapers, providing, however, that in all cases the postage shall be prepaid, and while the postage on newspapers is thus reduced 50 per cent., it has been demonstrated by figures that there will be brought into the Treasury more than double what we now get for carrying and delivering newspapers, resulting from the fact that only about one-third of this postage is now collected. Therefore, although we held out as long as there was any hope of getting the precise measure passed by the House fixing the postage on newspapers at 1½ cents per pound, for the purpose of getting through what we believed would be beneficent legislation, we consented to the 2 cents per pound presented in this report. The Senate yielded four times as much as we did; that is, 2 cents per pound, while we advanced but half a cent. Therefore there has been no degradation of the House or derogation from the dignity thereof by the action of its conferees. I do not think it has been satisfactorily made to appear that this provision in regard to postage would operate injuriously to any newspaper establishment in the country. Under the provisions of this bill all the weekly newspapers will circulate without any charge for postage in the counties where they are published. This will furnish a relief which has been demanded by the small weekly newspapers of the country, and I believe is approved by nearly the whole public, and this provision releases to them a large part of what would otherwise be a considerable burden to them.

Mr. HAWLEY, of Connecticut. How much will ½ cent per pound make on the whole revenue?

Mr. MARSHALL. My colleague [Mr. CANNON] will be better able to tell you. I have not the precise figures with me.

Mr. HAWLEY, of Connecticut. What will 2 cents a pound make?

Mr. MARSHALL. My colleague has all the details and will state them. But I must ask to be allowed to proceed with what little I have to say now. The Senate conferees were very strongly of the opinion that the action of the Senate was proper, and that 4 cents per pound and nothing less ought to be fixed as the postage to be prepaid by the publishers of newspapers. They considered themselves

instructed not to yield to the demands of the House. But they have come down 50 per cent., that is to one half of their own proposition as it passed the Senate, and to within ½ cent per pound of our own proposition as passed by the House. I do not think myself if we adopt the principle of prepayment at all, about the policy of which I have some doubt, that the amount here proposed would be oppressive to any newspaper publisher in the whole country, although I would much prefer retaining, if it could be done, the postage as fixed by the House bill.

Now in regard to the sending of documents. The House had provided that the Agricultural Report should go free through the mails. The Senate struck out that provision and put in a clause providing that all documents should go through the mails at a uniform postage of 25 cents per volume, and providing that the CONGRESSIONAL RECORD should go through the mail free. That is changed in this report in this way: All bound documents if sent by a member of Congress, the President, or the head of a Department, that is, public documents issued by order of Congress, will go through the mails at a uniform postage of 10 cents per volume. This was adopted to obviate and avoid the present clumsy and troublesome law which requires that every document must be weighed before you can know what postage to pay thereon. A number of documents were weighed in the Senate post-office, and we were informed that it was thus ascertained that the public documents issued by order of Congress would average about two pounds a volume. That is, on the bound volumes of public documents sent through the mails by members of Congress we must prepay the postage, and at a rate 150 per cent. greater than we require of newspaper publishers for carrying their merchandise. By the provisions of this conference report, if it becomes a law, nothing goes through the mails free. The postage is reduced, but the revenues will be very considerably increased, as everything carried will pay the Government for the service rendered.

Yet this arrangement will be a great convenience to members of Congress and beneficial to the people. The documents which we publish ought to be sent to the people. I believe all members can afford—and will do so—to send the documents, Agricultural Reports and all, to the people, and prepay the postage thereon. Now they are not sent through the mails. Members who have not large incomes cannot afford to send them. I think this is a very great improvement on existing legislation. The CONGRESSIONAL RECORD, instead of going free, as provided by the Senate bill, will, under this bill, go at a uniform postage of 1 cent per number of the daily issue. That provision was adopted to obviate the necessity of sending each daily issue to be weighed in order to ascertain what was the amount of postage upon it. The average through the session of the daily RECORD will not, I suppose, be above two ounces. But it is always troublesome to be compelled to weigh them before you can know what postage you ought to pay. If you make a mistake as to postage they do not go through the mails, but are thrown aside as waste matter. By fixing the postage at a uniform rate this trouble and inconvenience is obviated. These are all the controverted points I believe, and I do not desire to go into the matter any further.

Mr. TOWNSEND. All these documents are to be prepaid?

Mr. MARSHALL. All prepaid here; none are to go through the mails without prepayment. All documents and all mailable matter whatever of every kind must be prepaid.

Mr. SPEER. Who puts the designation on the documents? Is it to be stamped on by the Door-keeper or by whom?

Mr. MARSHALL. It must be done by the officer sending them, the President, the head of a Department, or by a member of Congress. He must put upon the cover of the document his signature, certifying it to be a public document. It will be sent out under his name, and he must take the responsibility to see that none but public documents are thus sent.

Mr. BROMBERG. If a document be mailed by a member from his place of residence is the postage still 10 cents?

Mr. MARSHALL. I believe we did not retain the clause providing that these public documents must be sent from Washington City only.

Mr. TYNER. No, sir.

Mr. MARSHALL. They may be sent from any place, but must be certified as public documents by a member of Congress, the President, or the head of a Department.

Mr. TOWNSEND. Will the bound volumes of the CONGRESSIONAL RECORD go free through the mails?

Mr. MARSHALL. They will go as other public documents, at ten cents on each bound volume. That will be the uniform rate on any volume of public documents.

Mr. MERRIAM. The postage will not be ten cents on a Congressional Directory?

Mr. MARSHALL. All bound volumes of public documents, large or small, sent in this way will be subject to the uniform rate of ten cents per volume. Public documents unbound will be charged at the same rate we fix for newspapers sent by the publishers thereof.

Mr. HAWLEY, of Connecticut. If a bound volume now goes at the rate of six cents, will this bill increase the rate to ten cents?

Mr. MARSHALL. It may and I think will have that operation; but this would not be a very serious burden, and it is not in many cases that the postage will not in fact be less than the present rates. While this bill is of course not perfect; while it is not precisely what any of us would prefer, it is unquestionably, I think, a great improvement upon the existing law.

One word only in regard to newspaper postage and prepayment. The provisions of this bill on that subject will not take effect until the 1st of January next. I believe I am right on that point.

Mr. TYNER. The gentleman is correct.

Mr. MARSHALL. Hence, if it should be found upon consideration that any marked injustice or oppression is likely to result to anybody from these provisions, Congress, which will be in session one month before the law will go into operation, can correct next winter anything of that kind.

Mr. SPEER. Does this bill provide that books ordered to be published by Congress may not be sent through the mails under the bill until next January?

Mr. MARSHALL. They may be sent immediately. I am referring to the change of the rate of postage upon newspapers and the matter of prepayment. Those provisions do not go into effect until January next.

Mr. SOUTHARD. Under this bill will newspapers circulate free in the county of their publication?

Mr. MARSHALL. They will.

Mr. TYNER. I think that the House now understands the provisions of this conference report, and I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. TYNER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CLAIMS FOR INDIAN DEPREDACTIONS.

Mr. SHANKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, instructed to report to the House early at its next session a detailed statement of the amounts of money paid out of the various funds belonging to Indians on claims for depredations committed by Indians, with the names of the claimants, the amount of the claims, and the amounts allowed and paid, with the dates.

#### PREFERENCE OF SOLDIERS IN CIVIL EMPLOYMENT.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce for action now a joint resolution giving preference to soldiers in civil employments.

The resolution was read. It provides that in all Bureaus and Departments of the Government, whenever there shall be a number of applicants for place or employment therein, a soldier or sailor who fought in the line of duty in the war, a soldier's or sailor's widow, wife, daughter, mother, son, or father, respectively, being such applicant, shall have preference in the places and employments suited to each, respectively; and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus, by reason of diminution of force therein, respectively. But two persons of the relationship above stated either by blood or marriage shall not have employment in any Department or Bureau at the same time, unless both are so entitled because of service. It is made the duty of the appointing officer to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and Territories and the District of Columbia, with reference to their population; and upon the removal of any appointee the reason for such removal is to be stated on the records of the Bureau or office from which the removal has been made.

Mr. KELLOGG. That matter is now before our committee; I must object to this resolution.

Mr. HAZELTON, of Wisconsin. I ask the gentleman from Massachusetts [Mr. BUTLER] to modify the resolution by inserting "sister" at the appropriate place.

Mr. BUTLER, of Massachusetts. Certainly; I will make that modification.

Mr. ARCHER. I object to the resolution.

Mr. BUTLER, of Massachusetts. I move then to suspend the rules and put the resolution on its passage.

The SPEAKER. No motion to suspend the rules is in order except for bills on the Speaker's table.

#### ORDER OF BUSINESS.

Mr. BRADLEY. I ask unanimous consent to make a report from the Committee on the Public Lands.

Mr. BUTLER, of Massachusetts. I object.

Mr. RANDALL. Mr. Speaker, I believe that all the appropriation bills have now passed both Houses; but there must of course be some delay in enrolling them. The one that will take the longest time in enrollment is the sundry civil appropriation bill, which I understand will not be ready till three o'clock. It is idle to undertake further legislation now; for if we pass more bills they cannot be enrolled. I therefore move that we take a recess until half past two o'clock.

Mr. HERNDON. Before that is done I ask that the following resolution be read, and I will move to suspend the rules for the purpose of passing it.

Mr. BRADLEY. Has not the gentleman from Pennsylvania gotten through all the bills for his own district, he is so anxious to do no more business?

Mr. MAYNARD. The clerks cannot enroll any more bills if we do pass them.

Mr. RANDALL. It is utterly impossible.

#### PIEDMONT RAILROAD.

Mr. CESSNA. I ask unanimous consent to report a bill from the Judiciary Committee in order that it may be printed and recommitted.

Mr. RANDALL. I do not object.

Mr. CESSNA, by unanimous consent, from the Committee on the Judiciary, reported a joint resolution (H. R. No. 117) relative to the Piedmont Railroad Company; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back by a motion to reconsider.

#### ORDER OF BUSINESS.

Mr. HERNDON. I hope my resolution will be read by the Clerk.

Mr. BUTLER, of Massachusetts. I object.

Mr. MAYNARD. I have a resolution to introduce to which I think there will be no objection.

Mr. HERNDON. Is there objection to having my resolution read.

Mr. BUTLER, of Massachusetts. I object.

Mr. MAYNARD. Let my resolution be read.

The Clerk proceeded to read as follows:

*Resolved*, The Clerk of the House of Representatives—

Mr. HERNDON. I object to that.

Mr. MAYNARD. I think he would not object if he understood what it is.

Mr. RANDALL. I modify my motion and move to take a recess until two o'clock.

Mr. CONGER. I wish to take up a Senate bill.

Mr. BUTLER, of Massachusetts. I object, until every one of our soldiers and sailors can get a hearing.

Mr. MAYNARD. There is a class of committee clerks, generally soldiers, who came here at the salary as we recollect of nearly six dollars a day. We cut that down to less than five dollars a day.

Mr. BUTLER, of Massachusetts. I object to debate.

Mr. MAYNARD. While the Senate clerks are getting over seven dollars our clerks have been cut down to less than five. I propose by resolution to give a small additional compensation to that class of committee clerks.

Mr. BUTLER, of Massachusetts. I object.

Mr. RANDALL. I ask a vote on my motion to take a recess until two o'clock.

The House divided; and there were—ayes 69, noes 62.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL, and Mr. SMITH of Louisiana, were appointed.

The House again divided; and the tellers reported—ayes 101, noes 58.

Mr. TYNER demanded the yeas and nays.

Mr. GARFIELD. I should like to make a detailed statement in reference to the appropriation bills.

Mr. SPEER. That had better be postponed until we have decided whether we will take a recess or not.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 80, nays 131, not voting 78; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Barry, Bass, Beck, Berry, Blount, Bowen, Bromberg, Brown, Burchard, Caldwell, John B. Clark, Jr., Clymer, Coburn, Comingo, Cook, Cox, Crittenden, Crossland, Darrall, Davis, Duell, Durham, Frye, Glover, Gunckel, Gunter, Hamilton, Hancock, John T. Harris, Havens, Hooper, Howe, Hunton, Knapp, Lawson, Leach, Magee, McKinnin, McKee, Milliken, Mills, Moore, Morey, Morrison, O'Brien, Pelham, Perry, James H. Platt, Jr., Randall, Rice, Robbins, James C. Robinson, Milton Saylor, John G. Schumaker, Scofield, Sener, A. Herr Smith, George L. Smith, Snyder, Southard, Speer, Standiford, Christopher Y. Thomas, Todd, Vance, Waldron, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, and Wolfe—80.

NAYS—Messrs. Albert, Albright, Barber, Bell, Biery, Bland, Bradley, Bright, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Amos Clark, Jr., Clements, Stephen A. Cobb, Conger, Corwin, Crooke, Crounse, Crutchfield, Curtis, Dunnell, Eames, Field, Fort, Freeman, Garfield, Giddings, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lawrence, Loughbridge, Lowe, Lowndes, Luttrell, Lynch, Marshall, Maynard, Alexander S. McDill, MacDougall, Merriam, Monroe, Negley, Niblack, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Isaac W. Scudder, Shanks, Sheats, Sherwood, Sloan, Sloss, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Starkweather, St. John, Stone, Stowell, Strait, Strawbridge, Charles R. Thomas, Thornburgh, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—131.

NOT VOTING—Messrs. Adams, Avenel, Begole, Buckner, Cessna, Freeman, Clarke, Clayton, Clinton L. Cobb, Cotton, Creamer, Crocker, Danford, Dawes, De Witt, Dobbins, Donnan, Eden, Eldredge, Elliott, Farwell, Foster, Robert S. Hale, Harmer, Hays, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Jewett, Killinger, Lamson, Lampont, Lansing, Lewis, Lofland, Martin, McCrary, James W. McDill, McLean, McNulta, Mitchell, Myers, Neal, Nesmith, Niles, Nunn, Orr, Packer, Hosea W. Parker, Phillips, Thomas C. Platt, Potter, Read, Richmond, William R. Roberts, Henry J. Scudder, Sessions, Sheldon, Lazarus D. Shoemaker, Small, Smart, William A. Smith, Stephens, Storm, Swann, Sypher, Taylor, Waddell, Walls, Marcus L. Ward, Wheeler, Whiteley, Wilber, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—78.

So the motion that the House take a recess was not agreed to.

Mr. RANDALL. I call for the regular order.

#### OSAGE INDIAN LANDS IN KANSAS.

The SPEAKER. The regular order being called, the House resumes the consideration of business on the Speaker's table.



The next business on the Speaker's table is the bill (H. R. No. 3088) to extend the time for completing the entries of Osage Indian lands in Kansas, with an amendment by the Senate which the Clerk will read.

The Clerk read as follows:

Insert at the end of the bill these words:

And provided further, That no further extension of time shall be granted than that provided for in this act; and that all occupants now upon said Osage lands shall file their application to purchase the lands so occupied by them within three months after the passage of that act, or forfeit all right and claim to the same.

Mr. LOWE. I move that the amendment of the Senate be concurred in.

The amendment of the Senate was concurred in.

Mr. LOWE moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ROBBERY OF SAFE IN DISTRICT ATTORNEY'S OFFICE.

Mr. WILSON, of Indiana. I rise to make a privileged report. I present the following report from the Joint Committee of Investigation into the Affairs of the District of Columbia.

The Clerk read as follows:

The Joint Select Committee to Inquire into the Affairs of the District of Columbia, to whom was referred the following resolution, passed by the House of Representatives May 5, 1874, namely: "Resolved, That the Joint Committee on the Affairs of the District be, and they are hereby, directed to inquire whether the officers or employees of the United States, or any officer or employees of the District government, have been engaged in any conspiracy to defeat or hinder the investigation ordered by Congress into the affairs of the District, and particularly in this connection to inquire into all the circumstances connected with the late robbery of the safe in the office of the United States attorney for the District of Columbia," report:

That they have diligently endeavored to make the investigation required by the resolution, but in doing so have examined a number of witnesses, and they have learned the names of other witnesses who ought to be examined, but whose attendance they have not been able up to this time to procure. The testimony taken is in many material respects conflicting and irreconcilable; and in some very important particulars the contradictions cannot be accounted for upon any theory of mistake or want of memory in the conflicting witnesses. The testimony satisfies your committee that one of the objects of the burglary was to falsely implicate Columbus Alexander, one of the memorialists. But in the absence of the testimony of the witnesses heretofore referred to, whose attendance has not been procured, it would in the opinion of your committee be improper for them to express any opinion upon the question, "Who were the conspirators?" Indeed, considering that the burglary must be the subject of investigation in the criminal court of the District, your committee beg leave to suggest that an expression of opinion by them that any particular person or persons are guilty might be unwise, if not improper, for reasons that will readily be discovered upon reading the testimony.

Your committee think that it should be brought to the notice of the Secretary of the Treasury and the Attorney-General, and in this connection the committee beg to call especial attention to the telegrams which were sent from Michael Hays to H. C. Whitley and to I. C. Nettleship, and also to the other telegrams and letters produced in evidence. They therefore report the testimony and the following resolution, and ask to be discharged from the further consideration of this subject:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, instructed to transmit to the Secretary of the Treasury and to the Attorney-General, each, a copy of the evidence taken by the Joint Select Committee in Relation to the Affairs of the District of Columbia, so far as the same relates to the "late robbery of the safe in the office of the United States attorney for the District of Columbia," for their information and guidance.

WILLIAM B. ALLISON.  
A. G. THURMAN.  
WILLIAM M. STEWART  
J. M. WILSON.  
JAY A. HUBBELL.  
LYMAN K. BASS.  
HUGH J. JEWETT.  
ROBERT HAMILTON.

Mr. WILSON, of Indiana. I ask to have the report and the testimony printed, and I also move the adoption of the resolution reported by the committee, and on that I call for the previous question.

Mr. BECK. I wish to ask the gentleman from Indiana whether the testimony does not absolutely demand that the committee should recommend that criminal prosecutions be instituted against Whitley and Nettleship, for high crimes and misdemeanors.

Mr. WILSON, of Indiana. I think the committee have made significant suggestions in the resolution which they have reported.

Mr. BECK. I think not. The suggestions are so mild that the Secretary can hardly tell what the committee desire. What I wish to ask the chairman of the committee is, whether there has not been proof before the committee which compels that committee to conclude that those two men have been guilty of high crimes and misdemeanors?

Mr. WILSON, of Indiana. I have no hesitancy at all in saying that there is that in the testimony that indicates that the law-officers of the Government should take active measures in the courts for the purpose of having this matter thoroughly investigated and the parties who have been connected with the conspiracy brought to justice. But I did not think, and the committee did not think that it was proper for them, inasmuch as this was a case for an investigation in a court, to indicate who they believed ought to be prosecuted.

Mr. BECK. I wish to say I have no doubt, according to the testimony I have seen and heard of, that those men, Whitley and Nettleship, ought to-day to be in the penitentiary for that crime.

Mr. WILSON, of Indiana. The committee preferred that every man should read this testimony and form his own judgment for himself.

Mr. SPEER. Who are these men?

Mr. BECK. They are the chiefs of the detective service, and their character was well known when they were appointed as being absolutely infamous.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution reported by the committee was agreed to.

The report and the accompanying testimony were ordered to be printed, and to lie upon the table.

#### TARIFF.

Mr. COBB, of Kansas. I rise to make a privileged motion. I move to reconsider the vote by which the report of the committee of conference on the tariff bill was rejected.

Mr. BUTLER, of Massachusetts. Is that motion of higher privilege than the business of the House which is proceeding under a suspension of the rules?

The SPEAKER. Reports of conference committees are of higher privilege than suspensions of the rules; and a motion to reconsider the rejection of a conference report has the same privilege.

Mr. RANDALL. I move to lay the motion to reconsider on the table.

Mr. COBB, of Kansas. I do not yield to the gentleman from Pennsylvania to make that motion. I yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. SPEER. Was the object of the motion of the gentleman from Kansas to allow the gentleman from Ohio, at this late hour of the session to make his speech, to which there could be no reply, for the purposes of the coming campaign.

Mr. GARFIELD. Mr. Speaker, I was entitled to an hour this morning, if I had chosen to use it, on the conference report on the sundry civil appropriation bill. But it was so important that the bill should go at once to the engrossing clerks that I occupied no time in general debate, but said I should ask the indulgence of the House later in the day, for no political speech, as my friends across the way seem to apprehend, but simply for the purpose of making, as far as I can and as accurately as possible, a summary of what has been done this session in regard to public expenditures. I therefore avail myself of the courtesy of the gentleman from Kansas [Mr. COBB] to state what has been done in the way of appropriations.

Gentlemen will remember that when the legislative appropriation bill was called up for action on the 5th of March I spoke somewhat at length upon the general subject of revenues and expenditures, and indicated the leading features of the bills which the Committee on Appropriations would recommend to the House, and what we believed would be possible in the way of reduction of the expenditures for the next fiscal year.

The reductions then suggested were of two kinds: first, the actual mustering out of expenditures by the repeal or scaling down of laws authorizing and requiring payments from the Treasury; and second, the postponement of such items of expenditure which, though ultimately necessary, could be postponed for a year or more without serious detriment to the public service until the pressure on the Treasury had passed. It was of great importance that we should be able to tide over the present and the next fiscal years without additional taxation, and for the time being the postponement of an expense was almost as valuable as a permanent reduction. In that speech I expressed the belief that by postponing some expenses and abolishing others we could reduce the appropriations for the next fiscal year about \$34,000,000 below the estimates of the several Departments, and that we could scale down the expenditures for the next fiscal year to an aggregate of \$270,000,000, exclusive of the sinking fund. We have now reached the end of the session, and it is worth while to see how far the expectations of four months ago have been realized. I presume that not all gentlemen have thought sufficiently upon this subject to appreciate the difficulty of scaling down without injuring the efficiency of so vast and complicated a machine as is the Government of the United States. It is a vast Colossus, whose every motion depends upon the expenditure of money; the motive-power of the vast machine is money; and the appropriations made by Congress determine and limit the activity of every function, from the highest to the lowest. I say that few people have considered how difficult it is to take such an organization and scale it down about 10 per cent. and still preserve its necessary working force unimpaired. We might by an unwise reduction cripple some one function and thus block the operations of a whole Department, but I believe that this Congress has made its reductions so carefully that no serious injury will follow.

Before stating the amounts appropriated by the several bills I will point out some of the measures of legislation which have been incorporated into these bills for the purpose of reforming the laws which regulate the expenditures of public money.

In the first place, we have endeavored to take a further step in the direction in which Congress has been trying to move for several years past; I mean the effort to bring all expenditures, as far as possible, directly under the eyes of Congress.

We have transferred several important items of expenditure from the list of permanent appropriations, over which Congress had no immediate supervision, and have placed them in the annual appropriation bills. This has necessarily swollen the annual bills, but it has brought all that class of expenditures, where they ought to have been

brought long ago, under the immediate eye of the people through their representatives in Congress. And here I will remark that there is no more curious illustration of the growth of our legislative history than this, that we have been steadily for the last forty years bringing all the Executive Departments more closely under the eye of Congress. For the first fifteen years of the Constitution the appropriations for the public service were placed in one short bill, which appropriated so many millions to enable the Secretary of State to carry on his Department, and so many millions to enable the Secretary of War to carry on his Department, and so with all the Departments. The details of expenditure were left wholly to the discretion of the heads of the various Executive Departments. They determined the number and salaries of the clerks, messengers, and other subordinate employes, and their expenditures were limited only by the amount of money granted by Congress. It was not until after about twenty years in the history of our Government that Congress began to divide the appropriations into separate bills for the different Departments; but even then most of the appropriations were made in lump.

There is no hope of insuring a careful economy in expenditures without specific provision, declaring the object of an appropriation and limiting the amount to be expended. During the present session the Committee on Appropriations have proposed several improvements which have been cordially indorsed by the House, and which I think will prove to be of very considerable service to the Government. As an instance of this I refer to the expenses of the national loan, which amounted to \$3,806,000 last year. That amount was expended in maintaining the Bureau of Engraving and Printing and in the employment of several hundred clerks and other employes, and both their number and pay were left wholly to the discretion of the Secretary of the Treasury. It was too great a discretion to put in the hands of any one man in the ordinary work of the Government. It enabled him to employ, and he had in his employment when this session commenced, not less than eighteen hundred people, paying them from \$5,000 a year down to seventy-five cents a day at his discretion. I think that upon the whole the work was reasonably well done. I do not think there was corruption or misuse of Government funds; but it was an extravagant method of conducting the public business. All that has been swept away by an amendment to the legislative bill. All the money now appropriated for this service is in specific sums, and in every case, except as to the number of employes in the Printing Bureau of the Treasury, a definite number of persons are to be employed and their salaries are fixed. In doing this we have made a reduction of \$500,000 in that one item alone; but of course the effect of this change is to swell the amount of the annual appropriation bills about \$3,250,000 above what they would have been but for the adoption of this reform, though it correspondingly reduced the amount to be expended under the head of permanent appropriations.

A similar reform has been made by the aid of the Committee on Military Affairs and the Committee on Civil Service Reform in regard to the employment of soldiers as clerks in the War Department. By the provisions of laws passed during the war and soon after its close many hundreds of enlisted men were detailed for duty as clerks and messengers in that Department, receiving extra compensation for rations and quarters, which raised their pay to about \$1,000 a year, while they were in fact soldiers of the Army at the rate of thirteen dollars per month. All that has been swept away. We have made appropriations for the employment of these persons at a fixed salary, and have limited the number to be employed. The effect of this was to swell the amount appropriated by that bill nearly half a million dollars; but it reduces the permanent appropriation by considerably more than that amount, and it has mustered out a large number of persons who were thus employed, and has made the force of civil employes a fixed and definite number.

In this connection also I will mention another feature of the appropriation bills of this session, which I think will everywhere be recognized as an improvement on the old method.

Hitherto it has been the custom to appropriate contingent funds in the lump for the several Departments. But this year the Committee on Appropriations have brought all the contingent funds down to items. For example, instead of appropriating \$350,000 for contingencies in the Treasury Department, we have separated it into all the various items, and they cover several closely printed pages of the law as it now stands, and state definitely so much for rent, so much for fuel, so much for lights, so much for the other items, leaving an actual contingent fund of only some \$25,000 to meet expenses that could not be enumerated. That plan has been carried through all the appropriation bills, and I believe in so doing we have done a good service in limiting the expenses of the Government.

When I addressed the House in March last I presented a detailed statement of expenditures of the last fiscal year, so grouped and exhibited as to show what portion of the expenditures were directly in consequence of the war and what were employed in carrying on the ordinary functions of the Government. With the leave of the House I will here republish that analysis, because it forms the basis of all the reduction we have attempted to make for the next fiscal year.

#### ANALYSIS OF EXPENDITURES FOR LAST FISCAL YEAR.

For the information of the House, I have made a careful analysis of the actual expenditures of the fiscal year which ended on the 30th of June, 1873. I have grouped

these expenditures into three classes: First, those payments which were made directly on account of the war; second, the expenses of the Army and Navy; third, all other expenditures, including the civil establishment and public works.

#### I. Amounts paid during the fiscal year 1873 on account of expenses growing directly out of the late war:

Joint Select Committee on Alleged Outrages in Southern States...	\$1,087 21
Investigations in relation to elections in Louisiana and Arkansas...	20,000 00
Payment of judgments, Court of Claims...	489,034 70
Southern claims commission...	52,800 04
Tribunal of arbitration at Geneva...	62,210 22
Expenses of national currency...	181,654 84
Expenses of national loan...	2,806,863 94
Refunding national debt...	54,726 83
Cost of assessing and collecting internal revenue, including payments of drawbacks and amounts illegally collected...	6,687,039 49
Defending claims for cotton seized...	52 95
Salaries of direct-tax commissioners...	540 55
Expenses of collecting direct tax in Delaware...	22 46
Repayment for lands sold for direct taxes...	9,075 00
Return of proceeds of captured and abandoned property...	1,960,679 26
Collection of captured and abandoned property, records and evidence respecting same...	84,459 50
Refunding internal taxes illegally collected...	1,507 44
Refunding proceeds of cotton seized...	3,282 00
Premium on bonds purchased in currency...	5,105,919 99
Payment of interest on the public debt...	104,759,688 44
Bounties...	465,049 14
Keeping, transporting, and supplying prisoners of war...	258,080 11
Military telegraph...	17,220 36
National cemeteries...	431,219 22
Maintenance of steam-rans...	14,548 93
Gun-boats on western rivers...	33,408 28
Providing for comfort of sick and discharged soldiers...	1,305 79
Payment of stoppages or fines due National Asylum for Disabled Volunteer Soldiers...	193,750 59
Traveling expenses of California and Nevada volunteers...	28,000 00
Traveling expenses of First Michigan Cavalry...	500 00
Commutation of rations to prisoners of war in rebel States...	2,000 00
Draft and substitute fund...	42,792 84
Appliances of disabled soldiers...	8,000 00
Transportation of insane volunteer soldiers...	1,000 00
Support of Freedmen's Hospital and Asylum, Washington, D. C...	72,000 00
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (regular)...	93,924 79
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (transfer)...	12,871 95
Horses and other property lost in the military service...	99,975 85
Reimbursing State of Kansas for military expenses...	336,817 37
Reimbursing State of Kentucky for military expenses...	525,258 72
Refunding to States expenses incurred in raising volunteers...	758,110 31
Defraying expenses of minute-men and volunteers in Pennsylvania, Maryland, Ohio, Indiana, and Kentucky...	28,762 32
Supplying arms and munitions of war to loyal citizens in revolted States...	945 38
Capture of Jefferson Davis...	2,051 01
Claims of loyal citizens for supplies furnished during the rebellion...	927,910 19
Bounty for destruction of enemy's vessels...	133,802 28
Payment to captors of the rebel ram Albemarle...	202,912 90
Payment to officers and crew of the United States steamer Kearsarge...	141,377 00
Pensions*	29,350,426 86
Relief acts, (various)...	797,748 78
<b>Total...</b>	<b>157,262,416 81</b>

#### II. Military and naval establishments:

For the Army, after deducting payments for the late war, already mentioned in group I, and for improvements of rivers and harbors, and other public works...	\$32,524,548 64
For the Navy...	21,474,433 61
	53,998,982 25

#### III. Civil service proper; being all the expenditures not named in the first and second groups:

1. Civil establishment:	
The civil list, including expenses of legislative, judicial, and executive offices of the Government not including Internal Revenue and Customs Departments...	\$16,026,321 32
Increase of salaries by act of March 3, 1873...	1,948,210 04
Foreign intercourse...	1,292,008 49
Indians...	7,946,809 53
Expenses of mints, Coast Survey, light-house service, revenue-cutter service, and marine hospitals...	4,812,183 58
Cost of collecting customs duties, exclusive of revenue-cutter service and building and repairing custom-houses, including the refunding of excess of deposits and amounts illegally collected...	12,586,045 93
Deficiencies in the revenues of the Post-Office Department...	4,765,475 00
Mail-steamship service...	725,000 00
Expenses of eighth and ninth censuses...	105,762 44
Survey of public lands, and land funds to States...	1,401,971 27
Government of Territories...	271,985 36
Steamboat-inspection service...	221,917 50
2. Extraordinary expenses:	
Investigation of senatorial election in Kansas...	20,000 00
Survey of boundary between United States and British possessions...	2,304 63
Commissioners to international penitentiary congress at London...	5,000 00
Copies of proceedings of same...	1,362 65
International exposition at Vienna...	111,146 26
Payments for coin, nickels, &c., destroyed by fire at Chicago...	370,813 24
Miscellaneous...	1,662,634 86
	\$54,277,032 10
3. Public works:	
Custom-houses and post-offices, and repairs and preservation of same...	3,270,329 90
Marine hospitals...	61,928 73
Light-houses and repairs...	1,408,851 49

\*A portion of this amount is for pensions to soldiers of the war of 1812.



Court-houses, post-offices, and building for State, War, and Navy Departments.....	\$5,352,452 34	
Arsenals and armories, and Military Academy buildings.....	916,476 33	
Forts and fortifications.....	1,801,766 92	
Rivers and harbors.....	6,371,687 32	
Navy-yards.....	1,370,587 06	
Interior Department building.....	10,000 00	
Buildings, Government Hospital for Insane, Columbia Hospital, and Columbia Institution for Deaf and Dumb.....	179,800 00	
Improvements of public grounds, streets, and avenues in the city of Washington, including Washington Aqueduct and bridges across the Potomac River, extension of Capitol grounds and Capitol building.....	4,062,915 08	\$24,806,785 17
Grand total.....		290,345,245 33

It will be seen by an examination of this analysis that every expenditure enumerated in the first group is a direct charge of the late war. Now, that group amounts in the total to \$157,262,416.81; that is, 54 per cent. of all the expenditures of the Government, excluding the sinking fund, for the last fiscal year. In examining those items one by one I find but a single place where it seems to me there has been any extravagance whatever; and that is the expenses of the national loan, to which I will refer before I am done. I ask gentlemen to go over those items, and say what portion of the \$157,000,000 expended in paying the charges of the war could possibly have been left out with justice!

In the second group I have placed the Army and the Navy—not counting in the public works for rivers and harbors, navy-yards, arsenals, and the like, that have been built in connection with the Navy and the Army, but the net charges of the Army and Navy themselves. These make the second group, and they amount to \$53,998,982.25; that is just 18 per cent. of the whole expense for the year.

The third group embraces all other expenditures, and I have sub-grouped them for convenience into three heads: First, the civil service proper, the civil establishment represented by this bill and other kindred appropriations; secondly, extraordinary expenses that came in during the year, but of a civil kind; thirdly, public works of all kinds grouped together. Now this third group and its sub-groups amount in the total to \$79,803,947.27, or 28 per cent. of the entire expenses of the Government.

Now, Mr. Chairman, take the results: \$290,000,000—54 per cent. directly for the war; 18 per cent. for our military and naval establishments; and 28 per cent. for all other expenses put together. Going through the items carefully one by one, when gentlemen attack the economy of this Government they ought to specify the item that is extravagant; they should specify the item that is wrongfully there. It will not do to declaim against extravagance in general and not specify where it is. I have endeavored, in this statement, to spread out as on an open scroll the expenditures of the Government; and I ask the help of every man in this House to point out the places in this list where real, effective, wise retrenchment can be made.

It will be observed that in the first group I have placed only those items of expenditure which grew directly out of the war; yet it will not be denied that a very considerable portion of the expenses in the other two groups were made necessary in consequence of the war. But as they all belong to the annual expenditures of our civil and military establishments, it is difficult to say just what portion is fairly chargeable to that cause.

It will not be denied that the vast masses of accounts for bounty, for back pay, for materials furnished, for war claims, in all their innumerable forms, that came to the Treasury for settlement, have required a very great increase of clerical force in all the auditing and accounting departments of the Government; and the numerous payments which have been made on account of the war fund up to the current year show that a large portion of the force in all these departments is still employed on this business.

Again, the destruction of our light-houses along the southern coast, the neglect of our rivers and harbors, and public buildings, in all the States lately in the rebellion, has brought upon the country the necessity for restoration, repair, and rebuilding, which has greatly increased that class of our expenditures. We are still maintaining an increased civil establishment because of the war. And it is in this part of our civil administration where we will find most opportunity for retrenchment, where we will find it possible to muster out employees and abolish expenditures, which, though they have been needed, can be dispensed with in the future without crippling the ordinary service of the Government.

In the pending bill the Committee on Appropriations have indicated, by legislative provisions, such measures of retrenchment as they believe the service will bear without injury. And they invite the House to examine with the closest scrutiny the items of expenditure exhibited in the table I have given, and to aid the committee in pointing out places where further reduction can possibly be made.

Let our criticisms be accompanied by legislative provisions that will rectify the errors we complain of.

Now, Mr. Chairman, I have drawn a few conclusions from my own study of these groups, as to what can be done. I speak for the Committee on Appropriations when I say that we have agreed upon this principle, that we will not undertake to cut the appropriations down at all hazards to the level of revenues, however low that level may be. We do not believe in that. We believe that if a cutting down, such as ought to be made for its own sake, does not carry the Treasury through, then it is the business of Congress to provide ways and means; it is the business of Congress to tax whenever taxation is needed to prevent a deficit.

But the Committee on Appropriations propose two things: first, that wherever an expenditure has grown out of the war, or grown up in any other way, or an abuse has crept in, that expenditure and that abuse should be lopped off—in other words, if any expense can be mustered out, we propose to muster it out for all future time. Having done that, there is just one other thing we think can be done. Going over the proper and fitting expenditures of the Government, if we come to any that can be postponed for a year without seriously impairing any great national interest, we say, postpone it. When we have done those two things, we do not propose to cut down another dollar anywhere. And if in this bill gentlemen can show us that we have anywhere cut into the life of the Government or its necessary functions, we desire to restore what has been taken away. If in any place we ought to have increased expenditures or appropriations, and have not done so, point it out and we will move an increase.

Guided by these two principles, the Committee on Appropriations desire to suggest in what ways retrenchment can be made.

I then suggested the different items on which reduction could safely be made, and expressed the belief that the appropriations for the next fiscal year could be reduced by the sum of \$34,000,000 below the estimates made by the several Departments, and that this reduction could be made from twenty to twenty-five millions below the actual appropriations of last year. An examination of the situation as it then existed, March 5, led to the following conclusion:

And now, Mr. Chairman, from a review of the facts in the case, I am warranted in

the assertion that if the House will pursue the course which I have indicated, we shall pass through the present and the coming fiscal year without crippling any of the necessary expenditures of the Government, without abandoning any great and important public work already begun, and neither encounter a deficit nor bring the Treasury to protest, nor the public credit to shame. I believe that with the revival of business and with the restoration of public confidence we shall be enabled to get through this year and the next without additional taxation.

In this connection I call the attention of the House to one element that all will admit enters largely into the problem of public expenditures. Gentlemen sometimes say that the aggregate expenditures of the Government during its first fifty years were no more than they are now for one year. That is a striking and to some a startling statement. But I call the attention of the House to the growth of the country, to the area of square miles at four or five different periods of our history. When the Constitution was adopted we had, under the treaty of peace of 1783 with Great Britain, an area of 780,722 square miles. In 1803, by the acquisition of Louisiana, we more than doubled the amount of our territory by enlarging it to the amount of 1,941,000 square miles. Forty-five years later, in 1848, by our acquisitions from Mexico and the neighboring territory, we had 2,928,000 square miles. To-day we have 3,682,000 square miles of territory, being nearly five times the area of the territory we had when the Constitution went into operation. Now, these increments of growth have not been mere additions of territory; they have been accompanied by the creation of new States and Territories, at a rate even more rapid than the growth of our area in square miles. Of course every new State and Territory has added to the expenditure of the Government.

I will detain the House no longer except to call attention to the appropriations made at the present session. Making a comparison between law and law, not between estimates and appropriations, I present a table which exhibits the appropriations of last year and the corresponding appropriations made during this session:

Twelve regular appropriation bills for the years 1874 and 1875.

Title of bill.	For fiscal year ending June 30, 1874.	For fiscal year ending June 30, 1875.	Increase.	Decrease.
Navy.....	\$22,276,257 65	\$16,818,946 20		\$5,457,311 45
Army.....	31,796,008 81	27,788,500 00		4,007,508 81
Fortification.....	1,899,000 00	904,000 00		995,000 00
Legislative, executive, and judicial.....	23,753,633 86	20,613,880 80		3,139,753 06
Indian.....	5,541,418 90	5,656,171 00	\$114,752 10	
Military Academy.....	344,317 56	339,835 00		4,482 56
Deficiencies.....	12,978,418 60	4,083,914 26		8,894,504 34
Post-Office.....	5,396,602 00	5,497,842 00	101,240 00	
Consular and diplomatic.....	1,311,350 00	3,405,404 00	2,114,045 00	
Pension.....	30,480,000 00	29,980,000 00		500,000 00
Sundry civil.....	32,186,129 09	26,895,545 25		5,290,583 84
River and harbor.....	6,102,900 00	5,218,000 00		884,900 00
Total decrease.....				26,863,006 96

By glancing over this table gentlemen will see in what bills the reductions of appropriations have been made.

In the naval bill the reduction amounts to nearly \$5,500,000; and part of this reduction arises from the fact that we have reduced the rank and file of the Navy and also reduced the enlisted force of the Marine Corps 20 per cent., and part of it arises from the fact that last year we made a large appropriation, a little more than \$3,000,000, for building new sloops of war, which does not appear in the bill for this year.

The appropriations for the Army are reduced a little more than \$4,000,000. This was made possible mainly by the fact that we provided for the reduction of the enlisted men of the Army by the number of five thousand.

The fortification bill shows a reduction of very nearly \$1,000,000, and is an example of a public expenditure that can be postponed without detriment to the public service.

The legislative appropriation bill shows a reduction of a little more than \$3,000,000 below the corresponding appropriations of last year. The reduction would have been \$6,000,000 but for the fact that there has been placed in this bill more than \$3,000,000 which formerly were expended under the head of permanent appropriations for the national loan. The reduction has been effected mainly by the repeal of the salary bill, which alone made a reduction of \$1,000,000, by reducing the force in the various departments of the civil service, and by reducing contingent expenses.

The Indian appropriation bill shows a small increase over that of last year; but it should be remarked that a large portion of our deficiencies have been for the Indian service of the current year.

The appropriations for the Military Academy are nearly the same as those of the current year, although the number of cadets has been increased forty-nine.

The deficiency bill of this year appropriates nearly \$9,000,000 less than the deficiency bills of last year.

The appropriations from the Treasury for postal service are about \$100,000 greater than the amount for last year. It will be noticed that I have set down only the amount appropriated out of the Treasury. The revenues of that Department are not covered into the Treasury, but are expended directly for the service by the Department itself.

The total expenditures of that Department will be over \$2,000,000 greater for the next fiscal year than for the current year. But the increase of the rates of postage provided for in the bill will it is estimated produce about \$2,000,000 of additional revenue.

The consular and diplomatic bill appropriates about the ordinary amount for the service of that Department; but there has been added this year nearly \$2,000,000 to that bill as the amount required to pay the award of the mixed British and American commission under the treaty of Washington.

The pension bill this year is half a million dollars less than the pension bill of last year. But the legislation of the session in regard to pension laws leads me to believe that we shall have to appropriate a deficiency in the pension bill of next year enough to bring up the appropriation to what it was last year. Had I known when the pension bill was under consideration what I know now about the expenses of that Bureau, I should have insisted upon keeping the amount the same as last year. You may therefore expect half a million for deficiencies in the pension bill of next year.

Mr. ELDREDGE. Does the gentleman think there will not be some deficiency in the Post-Office Department?

Mr. GARFIELD. I hope not; I cannot tell.

Mr. ELDREDGE. There never has been a time when there was not a deficiency there.

Mr. GARFIELD. All our appropriations for the Post-Office Department are deficiencies, except the postal revenue. The amount of deficiency to be paid from the Treasury is what we speak of when we refer to deficiencies for the Post-Office.

The sundry civil bill shows a reduction of \$5,250,000 below that of the corresponding bill of last year. This arises in the main from a reduction in the amounts appropriated for public buildings; but the bill of this year has been increased by an appropriation of \$400,000 to aid the sufferers by the overflow of southern rivers.

The river and harbor bill of this year shows a decrease of \$885,000 below that of last year, and—

Mr. CONGER. I wish the gentleman would state that in the river and harbor bill of this year about \$200,000 are added for general surveys in connection with schemes of cheap transportation all over the country between the East and the West—an appropriation which is no part of the river and harbor appropriation bill proper.

Mr. GARFIELD. The gentleman has stated that fact so well that I do not need to repeat it.

Summing up the results of the table here presented, the aggregate appropriations made in the twelve regular appropriation bills are \$26,863,006.96 less than the amounts appropriated in corresponding bills of last year.

I have not taken into account in this statement the \$4,000,000 appropriated in what was known as "the naval emergency bill;" but on the other hand I have more than balanced this \$4,000,000 by including in these bills the appropriations for expenses of the national loan and other similar appropriations, which have been transferred from the list of permanent appropriations to the regular bills. Nor have I included in this statement the amount appropriated by Congress in the form of claim bills and relief bills. Though the number of private bills which have passed at this session is probably greater than those of the preceding year, yet I am satisfied that the amount appropriated in such bills is considerably less than the appropriations of last year. The appropriations of this class amounted last year to \$3,354,842.17. I do not believe that this year they will reach \$1,500,000.

The summing up of the amounts appropriated in the bills that have passed within the last day or two has been done somewhat hurriedly, and I will not vouch for the absolute correctness of the figures here given; but I am satisfied they are not far out of the way. I may safely affirm that the appropriations made at the present session of Congress are in the aggregate \$25,000,000 less than those of last year. I ought also to add that in this statement no account has been taken of the unexpended balances in either year.

I desire to say in conclusion, for myself and for my associates on the Committee on Appropriations, that we feel under great obligations to the House for the confidence with which it has accepted our work. At times I have no doubt that we have appeared to many members unreasonable in our opposition to measures of expenditure, but the House has generally shown an unwavering purpose to follow the line of genuine economy in its management of public affairs. In this connection I may state (and I do so in no disparaging or invidious spirit) that almost every bill sent from this House to the other has come back to us larger in the amount of the appropriation than when it left us; and in almost every instance the bills that have come from a conference committee into the House have come in with a smaller amount of appropriation than when they were sent to the conference. No conference committee on any of the appropriation bills has enlarged the bill in its charge; but on the contrary nearly all of such committees have decreased the appropriations.

I shall watch with deep interest the financial history of the next fiscal year, with some apprehension that in some places we have cut too deep. But I shall confidently expect to see the expenditures kept within the aggregate of the permanent and annual appropriation bills.

Mr. PARKER, of Missouri. Is my friend from Ohio [Mr. GARFIELD] prepared to state to the House the difference between the estimates for this year and the actual appropriations?

Mr. GARFIELD. I cannot do that, because I do not know precisely the amount of the miscellaneous appropriations.

Mr. PARKER, of Missouri. I hope the gentleman will be prepared to incorporate such a statement in his published speech.

Mr. GARFIELD. It will take some time to work up all the items. But the Clerk of the House is required by law to publish a full summary of the amounts appropriated for all purposes, and we may expect to see his statement soon.

Mr. COX. I object to gentlemen making speeches of this kind here in the last hours of the session without any opportunity for a reply.

Mr. COBB, of Kansas. I yield to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. RANDALL. I would like to know how much time the gentleman from Kansas has remaining.

The SPEAKER *pro tempore*. Thirty-five minutes.

Mr. COBB, of Kansas. I yield ten minutes to the gentleman from Massachusetts.

Mr. COX. Is any reply to be permitted to these speeches, or are they to be published after we adjourn without any opportunity for an answer?

Mr. DAWES. Mr. Speaker, I do not desire to occupy any great length of time; but I wish to bear testimony to the fidelity of the Committee on Appropriations, and to say that they may well congratulate themselves upon the result of their labors. They will go home to their constituents presenting a result which cannot but commend itself to the public judgment as well as to their own private convictions. I know a little something of the difficulties of their work, although not as much as they do themselves. My experience only went just far enough to learn that fact, but the gentleman has not only had an opportunity to learn how difficult it is, but an opportunity to learn better than I did how to discharge his duties so as to overcome those difficulties.

I desire, however, Mr. Speaker, as he has presented one side of the public ledger in a manner so flattering and so desirable to the country, to say but a single word as to the other side of that ledger. Nobody can ask more at the hands of this committee and this Congress in reference to the expenditures for the next fiscal year than has been rendered by this Committee on Appropriations. But how is it on the other side of the ledger? Is there any fair prospect before the people that this condition of expenditures will be met by sufficient receipts from our sources of revenue? The Committee on Ways and Means took instruction from the House in the early part of the session, and have adhered to it until this day. The House by an overwhelming vote instructed that committee not to impose any increase of taxes, having faith in the work on the other side of the ledger and faith in that recuperative power of the American people to cure themselves, if left without doctors and varying treatments, of all the ills under which they have suffered in the diminution of receipts and increase of expenditures. But what are the indications now? Although falling back in the receipts in the early months of this session, causing anxiety in the Treasury Department and anxiety upon this floor lest we should be compelled to impose new burdens, we find all these have been wiped out by the increased receipts of the Treasury. Within the last few months six or seven millions more than the current expenditures have been brought into the Treasury.

The internal-revenue taxes have yielded for the year more than was estimated by that department at the beginning of the year when everything was prosperous and without taking into account the sad experience of distress during the autumn. Every one of the internal receipts is more in the total than was promised by that department.

As yet the customs duties have not quite come up to the estimates; but taking them all together with the other receipts I have the utmost confidence, and authority I believe on the part of the committee and those who have studied the subject, to say that this side of the ledger which shows the receipts to meet these expenditures will be equally gratifying to the American people; that not only the current expenditures will be found met by the receipts of the Government but there will be over and above more than enough to meet the sinking fund, so that the policy in operation at the commencement of this Administration and adhered to through all these adversities will still be continued. That policy is to reduce the taxes on the one side and the expenditures on the other, keeping in view two things, the safety of the sinking fund and a moderate reduction of the public debt from twenty-five to fifty million dollars. I believe the sinking fund will be safe with the present receipts and with the reduction of expenditures for the next fiscal year. If, therefore, our receipts met the expenditures for last year and ran over \$5,000,000, with the expenditures next year \$26,000,000 less and the receipts equal to what they were last year, gentlemen will see we will certainly be in a condition to meet our expenditures and the sinking fund, and more too.

So, without taking any credit to the Committee on Ways and Means for their policy, for their policy has been a negative policy, holding back in obedience to a vote of the House instructing them not to impose new taxes until it was found absolutely necessary, and with such a reduction of expenditures as we have seen, a failure to recover from the past deficiency in the receipts so as to meet every demand upon us need not be looked for. The receipts will be equal to all the demands upon them to carry on the service of the Government for the next fiscal year.



I have not risen to commend the work of the Committee on Ways and Means. As I said, their policy has been mostly a negative policy. They have introduced some reforms in the revenue service and the administration of it, in reference to which much has been said in the House. The result they hope will meet with the just expectation of the committee. Others differ in this regard, but I do not wish to provoke any discussion on the subject. I only mean to say, Mr. Speaker, that the other side of the ledger will be quite as commendable as to the receipts of the revenue as that side of the ledger in reference to the expenditures which has been so flatteringly presented by the gentleman from Ohio.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; and

An act (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had passed, without amendment, bills of the House of the following titles:

An act (H. R. No. 3016) granting a pension to Ira Douthart;

An act (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

An act (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

An act (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

An act (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia;

An act (H. R. No. 3798) for the relief of J. J. Hayden;

An act (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company;

An act (H. R. No. 554) for the relief of William I. Blackstone, of Saint Mary's County, Maryland;

An act (H. R. No. 2291) granting a pension to Franklin Stoner;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 921) to prevent the useless slaughter of buffaloes within the territories of the United States; and

An act (H. R. No. 763) for the relief of Oliver P. Mason.

It further announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House was requested:

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3354) to relieve the persons therein named of their legal and political disabilities;

An act (H. R. No. 3353) to remove the political disabilities of Richard T. Allison, of Maryland;

An act (H. R. No. 3027) to remove the political disabilities of Van Ranslear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, of Virginia, and of A. S. Taylor, of Maryland;

An act (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution;

An act (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

An act (H. R. No. 3091) to release J. W. Bennett from political disabilities; and

An act (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland.

Mr. COBB, of Kansas. I yield now for five minutes to the gentleman from New York, [Mr. Cox.]

Mr. COX. I do not intend to occupy the time of the House to any great extent. I think a vote of thanks ought to be passed for the gentlemen on the other side because of the wonderful amount of their goodness and sanctity during this session. I have no doubt, Mr. Speaker, the two gentlemen who have given us these mournful eulogies intended to do something in the interest of economy. I think I may quote in this case a phrase from Whittier:

Saving as shrewd economists their souls  
And winter pork, with the least possible outlay  
Of salt and sanctity.

I never knew gentlemen at the end of the session make this sort of eulogy of themselves; but I am glad, however, to see the gentleman from Massachusetts [Mr. Dawes] agree with my friend from Ohio, [Mr. Garfield.] I am glad to see those two gentlemen, who started out so divergent in their paths at the beginning of the session, so harmonious just before the elections this fall. I do not believe these

beautiful, fine speeches would have been made if it were not for these fall elections. I know it is a good thing to feel your responsibility to the people, but I do protest, Mr. Speaker, against the gentleman from Ohio, [Mr. Garfield,] who is familiar with the details of the appropriation, and the gentleman from Massachusetts, [Mr. Dawes,] who raises the Ways and Means, coming in at the last end of the session, when no response can be made, with a view of finishing their speeches after the adjournment and having them printed and sent out as campaign documents without any opportunity for reply on this side. I say it is not fair; it is not a fair, square dealing with this side of the House.

I know gentlemen say they have been so good they do not need any defense from this side of the House. All you have done good over there you have done grudgingly. What has my friend done from the Committee on Ways and Means? Proposed a moiety bill after a great effort, after being driven to it by public opinion and the public press. What has he done? His little, petty tariff bill, that infant which left this House in such a bad condition, has been postponed until December next! Will we have it up again? Are we to have any real reform in that insidious, unjust, and invidious sort of legislation?

The gentleman says there have been increased receipts in the Treasury to make up for deficiencies. If so, it is not to be credited to these gentlemen. If they have practiced economy and shown a little better condition of expenditure than last year perhaps they thereby confess to the House and to the country that for ten or twelve years they have been in every regard derelict so far as economy in expenditure is concerned. They now come in just before the election and make these specious statements at the tail end of the session when there is no chance to reply.

What has the majority of the House done in the way of relieving the burdens of the people in reference to taxation? Point us to some specific thing. The gentleman from Ohio referred to one committee the business of which I am familiar with, the Committee on Foreign Affairs—the only thing with which I am familiar, perhaps, in regard to these appropriations, and I say here they have appropriated \$150,000 more in that regard than for the last year.

These gentlemen, after bragging all the session about reduction, come in at the very last moment and add to their bills—both the Senate and the House—in many respects. But I think there is one thing we should have done—and I say it with a view to the future and our responsibility to that future wherein there is peril and wherein there may be panic—and that is that you have kept up these false balances which are abomination to the Lord. After all your talk about resumption of specie payments, after all the brave talk of your President, his veto and his memorandum, he comes and signs your bill at the last moment when you all believe he would have vetoed it if he had acted in conformity with his own just judgment heretofore expressed.

[Here the hammer fell.]

Mr. COX. Just a word more. And now you go home to your people and expect them to stand that. No, sir; they will burn down the Administration barn to get rid of the rats, or they will sink the ship to get rid of the cockroaches.

Mr. COBB, of Kansas. I yield to the gentleman from Iowa, [Mr. Kasson.]

Mr. HARRIS, of Virginia. Will the gentleman from Iowa yield to me for a moment to ask a question?

Mr. KASSON. I yield for a question.

Mr. HARRIS, of Virginia. On the 23d of March last, the gentleman from Georgia [Mr. Young] offered a bill to authorize the payment of mail agents and mail contractors for services rendered previous to April 4, 1861. The chairman of the Committee on Appropriations entreated the House not to pass the bill in the crude form in which he said it was presented, for the reason that his committee was then inquiring into the amount necessary to pay those claims.

Mr. KASSON. The question, if you please.

Mr. HARRIS, of Virginia. The result has been that no provision has been made for the payment of the claim, the action of the House having been influenced by the statement of the chairman of the Committee on Appropriations.

Mr. YOUNG, of Georgia. The majority of the House voted for the bill, but it did not receive the necessary two-thirds.

Mr. GARFIELD. The Committee on Appropriations carefully considered that matter. They found that in 1867 Congress passed a law forbidding the payment of any of that class of claims until Congress should by its express legislation provide for it. It would require the suspension of the rules to put it into any bill; and we found in many instances that old mail contracts in the South had been adopted by the confederate government, and that the contractors had got their back pay for carrying the mails before secession, on the condition that they would go on and serve under the new confederate government. Now, I do not want to give back pay to anybody who has been paid once already by the rebel government.

Mr. KASSON. We have had, Mr. Speaker, from our friend on the other side, the gentleman from New York, [Mr. Cox,] one of those delightful attacks to which we are so accustomed from him. He complains that he did not know before of the speeches to be delivered by the chairman of the Committee on Appropriations and the chairman of the Committee on Ways and Means, and therefore he apolo-

gizes for not making an adequate and sufficient reply to them. Let my friend from New York tell us how we could have accommodated him any better, inasmuch as several of the bills have been passed within forty-eight hours and we could only have footed them up this morning? Why did not the gentleman himself, in the interest which he undoubtedly has to serve his country and enlighten his constituency, make up the figures without waiting for the chairmen of these committees to do so? Why did he not examine into the subject earlier in the session instead of attempting to derogate from the honor which I believe belongs clearly and honestly to the Committee on Appropriations for the great reforms they have carried out.

Mr. COX. I think my friend from Iowa [Mr. KASSON] who served with the democratic side of the House for several weeks in the beginning of this session has got on the other side in this speech.

Mr. KASSON. The gentleman seeks again to claim my efforts at reform as belonging to the democracy—another of his errors in endeavoring to steal the credit to the democracy for all the reforms, every one of which has been carried by the republican side of the House and originated with the republican side of the House.

Mr. ELDREDGE. What reforms do you speak of? Be a little specific.

Mr. KASSON. The repeal of the Sanborn contracts is one, and the repeal of the moieties another; the reduction of expenditures and of the force in the Treasury is another; the reduction of every appropriation bill below those of last year is another.

Mr. ELDREDGE. The gentleman from Kentucky [Mr. BECK] has the credit of the repeal of the Sanborn contracts and the moieties. It is he who has got the scalps at his belt in those cases.

Mr. KASSON. I would refer to the salary reduction for another.

Mr. COX. In the Senate such democrats as Mr. BAYARD and Mr. Casserly began that reform for which the gentleman seeks credit.

Mr. KASSON. There is one thing, the only thing which I am aware of, of which the gentleman from New York [Mr. COX] can complain. The Committee on Ways and Means put the tax at two or three cents per pound on macaroni, and I am glad that I can sympathize with my friend from New York over the defeat of the tariff bill, in view of the fact that macaroni is saved. Mr. Speaker, let me ask the attention of my friends on both sides of the House to the question whether the exhibit made here this morning showing that there has been a saving in the appropriations of over \$25,000,000 is not one of which the whole House, both sides of it, republicans and democrats, may well be proud—for all our friends on the other side of the House take their part of the credit so far as they have assisted to bring about this result? I say this although this side of the House, the majority, are entitled to the credit if they are bound to take the responsibility which belongs to the action of the House.

Mr. ELDREDGE. Wait till the deficiency bill comes in, and then see how much credit either side is entitled to.

Mr. KASSON. Ah, Mr. Speaker, that is a prediction that we have heard before.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico;

A bill (S. No. 733) regulating gas-works;

A bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act; and

A bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

#### POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the motion to reconsider the vote by which the second committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the tariff bill was ordered.

Mr. KASSON. I only wish to say one thing more. I do not think there has been a session to which any gentleman of the House can refer for many years past, which has been so clear of the passage of bills containing private speculations, or "jobs." I think, sir, that both sides of the House are entitled to such credit as belongs to them respectively in that regard. A very small amount of money has been appropriated for the payment of claims, and the only apprehension is that in our desire to be conscientious we may have been unjust to claimants. I now move that the motion to reconsider be laid upon the table.

The motion was agreed to.

#### LEAVE TO PRINT.

Mr. STARKWEATHER. I ask unanimous consent to print some remarks upon the tariff bill.

Mr. SPEER. I must object if the gentleman is going to inject into the RECORD a speech such as he made some time ago.

Mr. STARKWEATHER. The gentleman never interjected any thing. This is not a political speech at all; it relates only to the tariff question.

Mr. SPEER. Then I have no objection.

No objection being made, leave was granted. (See Appendix.)

#### STAMPS ON LEGAL DOCUMENTS.

The House resumed the consideration of business on the Speaker's table.

The next business on the Speaker's table was the bill (H. R. No. 2413) to provide for the stamping of unstamped instruments, documents, or papers, returned from the Senate with amendments.

The amendments of the Senate were read and concurred in, as follows:

In line 6 strike out "78" and insert "76."

In line 9 strike out all after the word "faith" to and including the word "thereof" in line 16.

At the end of line 11 insert the following:

*Provided*, That to render such stamping valid the person desiring to stamp the same shall appear with the instrument, document, or paper, or copy thereof, before some judge or clerk of a court of record, and before him affix the proper stamp; and said judge or clerk shall indorse on such writing or copy a certificate under his hand when made by said judge, and under his hand and seal when made by said clerk; setting forth the date at which, and the place where, the stamp was so affixed, the name of the person presenting said writing or copy, the fact that it was thus affixed, and that the stamp was duly canceled in his presence.

#### PAY OF COMMITTEE CLERKS.

Mr. MAYNARD. I ask unanimous consent to submit the following resolution, in regard to which the gentleman from Massachusetts [Mr. BUTLER] objected a short time since.

Mr. BUTLER, of Massachusetts. I now withdraw my objection to the resolution.

The resolution was read, as follows:

*Resolved*, That the Clerk of the House of Representatives be authorized, and he is hereby directed, to pay to all of the clerks of committees of the House of Representatives who do not receive annual salaries their salaries for the months of July and August, 1874.

Mr. WILLARD, of Vermont. Has that been considered by the Committee on Accounts?

The SPEAKER. The Chair does not know.

Mr. WILLARD, of Vermont. I do not think it should be passed unless it has been considered by that committee.

Mr. MAYNARD. I move to suspend the rules and pass the resolution.

The SPEAKER. That is not in order. The House is acting under a suspension of the rules upon business on the Speaker's table.

Some time subsequently,

Mr. MAYNARD said: The gentleman from Vermont [Mr. WILLARD] agrees to withdraw his objection to the resolution in regard to committee clerks if I will modify it so as to limit it to July.

Mr. WILLARD, of Vermont. I said that I would not object to it if it was limited to one month from the close of the session.

Mr. MAYNARD. Very well; I will modify it in that way.

Mr. GARFIELD. I believe there is not money enough appropriated for that purpose, and I do not know how the clerks can be paid.

Mr. SENER. Let it go.

Mr. RANDALL. It will be a deficiency.

No objection was made; and the resolution was adopted.

Mr. MAYNARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### COMMITTEES ON APPROPRIATIONS DURING THE RECESS.

The House resumed the consideration of business on the Speaker's table; and the next business was the following concurrent resolution of the Senate:

*Resolved by the Senate, (the House of Representatives concurring),* That the Committees on Appropriations of the two Houses of Congress are authorized to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures of the several branches of the civil service, and the estimate of appropriations therefor, and the appropriation bills.

Mr. GARFIELD. I move that the rules be suspended and the resolution concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

#### ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce for action at this time a joint resolution giving preference to soldiers in civil employment.

Mr. CREAMER. I object; I think the gentleman has indulged in enough humbug this session.

Mr. HERNDON. I ask unanimous consent to—

Mr. BUTLER, of Massachusetts. I call for the regular order. Nobody on that side of the House shall get in anything by unanimous consent until Congress adjourns.

#### REMOVAL OF POLITICAL DISABILITIES.

The House resumed the consideration of business on the Speaker's table; and the amendments of the Senate to the following House bills were concurred in by a suspension of the rules, two-thirds voting in favor thereof:



A bill (H. R. No. 3027) to remove the disabilities of Van Rensselaer Morgan, Thomas M. Jones, and Charles M. Fautleroy of Virginia, and A. S. Taylor of Maryland;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3172) to relieve Sardine J. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 3254) to relieve the persons therein named of their political disabilities; and

A bill (H. R. No. 3405) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from the legal and political disabilities imposed by the fourteenth amendment to the Constitution.

#### ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now take a recess until three o'clock.

Mr. MERRIAM. I understand the post-route bill will be here in a few minutes.

The question was taken on the motion for a recess; and upon a division there were—ayes 53, noes 78.

Mr. RANDALL. Is that a quorum?

Mr. ELDREDGE. I call for the yeas and nays.

The yeas and nays were not ordered, there being but 14 in the affirmative.

So the motion for a recess was not agreed to.

#### JAMES P. COATES.

Mr. MAYNARD. I call for the regular order.

The House resumed the consideration of business on the Speaker's table; and the next business was the amendment of the Senate to the bill (H. R. No. 104) for the relief of James P. Coates, of Jackson, Mississippi.

The amendment of the Senate was to strike out \$986.70 and to insert \$800.

Mr. HOWE. I move that the rules be suspended and the amendment concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

#### COMMITTEE ON PRINTING.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

*Resolved by the Senate, (the House of Representatives concurring.)* That the Joint Committee on Printing is hereby authorized to sit during the coming recess of Congress.

Mr. HAZELTON, of Wisconsin. What is the object of that resolution?

Mr. SENNER. Let it remain on the table.

Mr. KASSON. My colleague, [Mr. DONNAN,] the chairman of the House Committee on Printing, desired that this resolution should be concurred in. It has been agreed upon by some arrangement between the two committees. If I recollect aright, it was stated in the Senate that it would be without expense. I move that the rules be suspended and the resolution concurred in.

Mr. RANDALL. I think it is right; the gentleman from Iowa [Mr. DONNAN] explained it to me before he left.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was concurred in.

#### RAYMOND'S REPORT ON MINING STATISTICS.

The next business on the Speaker's table was the amendment of the Senate to the following concurrent resolution of the House:

*Resolved by the House of Representatives, (the Senate concurring.)* That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House, two thousand for the Senate, one thousand for the Treasury Department, and one thousand for the Commissioner.

The amendment of the Senate was to strike out all after the word "printed" and to insert the following:

Twenty-two hundred and fifty copies, of which one thousand shall be for the use of the Treasury Department, two hundred and fifty copies for the use of the Commissioner, and one thousand copies shall be for sale at the cost of paper and presswork, with an addition of 10 per cent, by the Congressional Printer.

The SPEAKER. The question is on concurring in the amendment of the Senate.

Mr. MCCORMICK. I hope it will not be concurred in.

The SPEAKER. In the absence of a motion to suspend the rules and concur in the amendment, the resolution will be returned to the Speaker's table.

#### AGRICULTURAL REPORT FOR 1873.

Mr. GARFIELD. I ask to have read for the information of the House a letter from the Congressional Printer. I think we may desire to take some action upon it.

The Clerk read as follows:

OFFICE OF THE CONGRESSIONAL PRINTER.  
Washington, June 23, 1874.

DEAR SIR: Are you aware of the fact that the Commissioner of Agriculture has not made his report for 1873 to Congress, and that hence the usual number has not been printed? It is not in type here. The report of 1872 is in type and ready for press.

Very respectfully, &c.,

A. M. CLAPP,  
Congressional Printer.

Hon. J. A. GARFIELD.

Mr. GARFIELD. It was stated the other day that both these reports were in the hands of the Congressional Printer and in type, and an appropriation was made to print them. As Congress is the only authority to order the printing of the Agricultural Reports, I thought that probably we might desire to take some action on this subject.

Mr. FORT. I do not know who stated that the Agricultural Reports for 1873 was in print. That for 1872 is in print. It is by law made the duty of the Commissioner to make his report to the President, and of course that report can be printed when it is made.

Mr. GARFIELD. It is sent to the Printer through Congress.

Mr. MAYNARD. All the heads of the Departments make their annual reports to the President directly.

Mr. FORT. I desire to offer a resolution that the report of the Commissioner of Agriculture for 1873, when made, shall be printed.

Mr. WILLARD, of Vermont. Is that in order?

The SPEAKER. It is not.

Mr. WILLARD, of Vermont. Then I object.

Mr. MAYNARD. I wish to inquire whether the Commissioner of Agriculture made his annual report to the President last December?

Mr. DUNNELL. He did.

#### REUBEN M. PRATT.

The next business on the Speaker's table was the bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

The bill was read. It directs the Secretary of War to place the name of Reuben M. Pratt on the rolls of Company H, Sixth Regiment Pennsylvania Reserve Corps Infantry as a second lieutenant, and his muster into service as such heretofore made to date from the 1st day of August, 1862, is recognized; but the provisions of the act are not to be construed as granting any claim against the United States except the right of pension to the minor heirs of Pratt.

Mr. ALBRIGHT. I move that the rules be suspended and this bill passed.

The motion was agreed to, two-thirds voting in favor thereof.

#### CAPTAIN JAMES B. THOMPSON.

The next business on the Speaker's table was the bill (S. No. 600) for the relief of Captain James B. Thompson.

The bill was read. It states in the preamble that James B. Thompson, late of Company G, First Pennsylvania Rifles, was captured while in the line of his duty, May 30, 1864, at the battle of Bethesda Church, Virginia; on the 6th of June, 1864, was commissioned first lieutenant in Company F, One hundred and ninetieth Pennsylvania Volunteers, and on the 19th of September, 1864, another commission was issued to him as captain in same company and regiment, he being at the issuing of both commissions absent as a prisoner of war in the hands of the enemy: that he endured the horrors and privations of Andersonville for a period of nearly seven months, escaping twice and being once run down and recaptured by hounds, but at the third attempt eluding his pursuers and reaching the Union lines at Atlanta, Georgia, after traveling for one whole month entirely by night; that his failure to be mustered was through no fault or neglect of his own but solely by reason of his unavoidable detention as a prisoner of war. The bill therefore directs the proper accounting officers of the Treasury to pay to Thompson the pay and emoluments of a first lieutenant of infantry in active service from June 6, 1864, to September 19, 1864; and to pay him the pay and emoluments of a captain of infantry in active service from September 19, 1864, to March 1, 1865, from which date his muster as an officer commences.

Mr. MAYNARD. It seems to me that bill ought to pass. I move to suspend the rules and pass it.

The motion was agreed to, two-thirds voting in favor thereof.

#### WILLIAM L. ADAMS.

The next business on the Speaker's table was the bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon.

The bill was read.

Mr. MAYNARD. Unless some explanation be given of this bill I think it should be referred.

Mr. WILLARD, of Vermont. It should go to the Committee on Claims. I move that reference.

The motion was agreed to, two-thirds voting in favor thereof.

#### WILLIAM J. PATTON.

The next business on the Speaker's table was the bill (S. No. 459) for the relief of William J. Patton.

The bill was read.

Mr. WILLARD, of Vermont. This bill ought to be referred to the Committee on Claims.

Mr. HYNES. The bill is all right. I move to suspend the rules and pass it.

The motion was not agreed to.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Claims.

The motion was agreed to, two-thirds voting in favor thereof.

#### NORTHERN PACIFIC RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company.

Mr. LUTTRELL. That ought to be referred to the Committee on the Public Lands.

Mr. DUNNELL. I move that the rules be suspended and the bill passed.

Mr. RANDALL. It ought not to be passed, but ought to be referred to the Committee on the Public Lands for examination.

Mr. DUNNELL. It has been examined by the Committee on the Public Lands.

Mr. RANDALL. It is a land grant, and ought not to pass.

The SPEAKER. The bill will be read.

The bill was read. It provides that so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted said company be, and the same is thereby, repealed, and no cost for surveying shall be collected from said company.

Mr. SPEER. That bill should not pass.

Mr. KENDALL. The bill ought not to pass. It ought by all means to be referred to the Committee on the Public Lands. I make that motion.

Mr. DUNNELL. I have a motion pending to suspend the rules and pass the bill.

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not passed.

On motion of Mr. KENDALL, the rules were suspended and the bill was referred to the Committee on the Public Lands.

#### ROSA VERTNER JEFFREYS.

The next business on the Speaker's table was the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Rosa Vertner Jeffreys, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

Mr. BECK. I hope the House will suspend the rules and pass that bill.

Mr. LAWRENCE. It should go to the Committee on War Claims.

Mr. BECK. I move the rules be suspended and the bill passed.

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not passed.

Mr. LAWRENCE. I move the bill be referred to the Committee on War Claims.

Mr. BECK. I object to its going there.

Mr. LAWRENCE. I move to suspend the rules and refer it to the Committee on War Claims.

The motion to suspend the rules was not seconded.

The SPEAKER. The bill remains on the Speaker's table.

#### WRITS OF ERROR IN CRIMINAL CAUSES.

The next business on the Speaker's table was the bill (S. No. 935) to provide for writs of error in certain criminal causes.

Mr. WARD, of Illinois. I move that it be referred to the Committee on the Judiciary, and ordered to be printed.

The motion was agreed to.

#### THE NAMES OF VESSELS.

The next business on the Speaker's table was the bill (S. No. 683) to authorize the use of gilt letters for the names of vessels.

The bill, which was read, provides that section 3 of an act entitled "An act concerning the registering and recording of ships and vessels," approved December 21, 1792, is thereby so amended as to allow the names of vessels to be painted on the stern in yellow or gilt.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### THE REORGANIZATION OF STAFF CORPS.

The next business on the Speaker's table was the bill (S. No. 321) reorganizing the staff corps of the Army.

Mr. NIBLACK. Is it expected to adjourn at four o'clock to-day when we are passing all these bills?

Mr. RANDALL. We are not passing many of them, but are merely taking them up and referring them.

Mr. CONGER. I move to refer that to the Committee on Military Affairs.

Mr. YOUNG, of Georgia. I hope not. It ought to pass.

The bill, which was read, in its first section provides that the In-

spector-General's Department shall consist of one colonel, two lieutenant-colonels, and two majors, with the rank, pay, and emoluments of officers of said grades; and the Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspectors-general; provided that officers of the line detailed as acting inspectors-general shall have all the allowances of cavalry officers of their respective grades; and no new appointment shall be made in the Inspector-General's Department until the number of inspectors-general is reduced to five.

The second section provides that the Bureau of Military Justice shall hereafter consist of one Judge Advocate-General, with the rank, pay, and emoluments of a brigadier-general; and the said Judge Advocate-General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge Advocate-General of the Army. In the corps of judge-advocates no appointment shall be made as vacancies occur until the number shall be reduced to four, which shall thereafter be the permanent number of the officers of that corps.

The third section provides that hereafter there shall be three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonel, instead of the two now allowed by law of said grade in the Subsistence Department; that the number of commissaries of subsistence, with the rank, pay, and emoluments of a captain of cavalry, is hereby reduced to twelve, and no appointment to fill a vacancy in said grade shall be made until the number thereof shall be reduced to twelve; and the number thereafter shall remain fixed at twelve.

The fourth section provides that the Medical Department of the Army shall hereafter consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, and one chief medical purveyor, each with the rank, pay, and emoluments of a colonel; and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymasters-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years' service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law; and all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination; and the Secretary of War is thereby authorized to appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the Medical Department, under such regulations as the Secretary of War may prescribe. And the number of contract surgeons shall be limited to seventy-five on or before the 1st day of January, in the year 1875; and thereafter no more than that number shall be employed.

The fifth section provides that the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said department shall be filled by transfer from the line of the Army; provided that no appointment or promotion in said department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance officers senior to himself.

The sixth section provides that no officer now in service shall be reduced in rank or mustered out by reason of any provision of law therein made reducing the number of officers in any department or corps of the staff.

The seventh section provides that as vacancies shall occur in any of the grades of the Ordnance and Medical Departments, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent appointments by the provisions of the act; and thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers; and all other grades in said Ordnance and Medical Departments than those authorized by the provisions of the act shall cease to exist as soon as the same shall become vacant by death, resignation, or otherwise, and no appointment or promotion shall thereafter be made to fill any vacancy which may occur therein.

The eighth section provides that so much of section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as applied to the Ordnance, Subsistence, and Medical Departments of the Army be, and the same are, hereby repealed; provided that this section repealing said section shall not apply to any of the grades of the Medical or Ordnance Departments which are omitted or abolished by the provisions of the act.

Mr. ALBRIGHT. I move the rules be suspended and the bill be passed.

Mr. FORT. It seems to me to be in the line of economy and ought to be passed.

Mr. COBURN. I wish to say a word on the bill. I think it ought not



to pass. It is not in the line of economy. It creates new offices, opens promotions, and adds to the expenses of the Government largely. Two new brigadiers, one for the subsistence and one for the ordnance, are created, besides several other officers. The increased annual expense will be at least \$75,000. We have sent a proper bill to the Senate, and should await their action on the subject as an entirety, as a system. When we open promotions it should be done regularly and equitably, not in piecemeal as is here proposed. I am in favor of a regular system.

Mr. ALBRIGHT. It is similar to the bill the House has already passed.

Mr. COBURN. It ought not to be passed.

Mr. ALBRIGHT. I insist on my motion.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 3023) for the relief of Andrew Mason; and

The bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

The message further announced that the Senate had passed without amendment, the bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by the act of Congress approved June 30, 1870, a post-road.

#### REORGANIZATION OF STAFF CORPS.

The House resumed the consideration of the bill reorganizing the several staff corps of the Army.

The SPEAKER. The gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs, desires that the bill shall be referred to that committee. The gentleman from Pennsylvania, [Mr. ALBRIGHT,] of the same committee, moves that the rules be suspended and that the bill be passed. The Chair will order tellers on seconding the motion to suspend the rules and passing the bill; and appoints the gentleman from Indiana, Mr. COBURN, and the gentleman from Pennsylvania, Mr. ALBRIGHT.

The House divided; and the tellers reported—ayes 89, noes 58.

So the motion to suspend the rules was seconded.

The SPEAKER. The question recurs on suspending the rules and passing the bill.

Mr. SENNER. On that question I call for the yeas and nays. This is an important bill.

The question being taken on ordering the yeas and nays, there were yeas 30.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. FORT. I ask that the gentleman from Pennsylvania [Mr. ALBRIGHT] be heard for five minutes.

Objection was made.

The question was taken, and there were—ayes 135, nays 58, not voting 96; as follows:

YEAS—Messrs. Albert, Albright, Arthur, Averill, Barrere, Barry, Bass, Biery, Bland, Bowen, Bright, Bufinton, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Conger, Cook, Corwin, Creamer, Crooke, Crossland, Crouse, Crutchfield, Darrall, Dawes, Dobbins, Dunnell, Durham, Eames, Eldredge, Field, Fort, Foster, Frye, Hagans, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Houghton, Howe, Hubbell, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lampport, Lawrence, Lewis, Lowe, Lowndes, Luttrell, Lynch, Magee, Martin, Maynard, Alexander S. McDill, Merriam, Monroe, Morey, Negley, Niblack, Niles, O'Brien, O'Neill, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Pierce, Poland, Rainey, Randall, Ransier, Rapier, Rice, Richmond, James C. Robinson, Ross, Rusk, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheets, Sheldon, Sherwood, Sloss, George L. Smith, J. Ambler Smith, Snyder, Speer, Stanard, Stone, Stowell, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Whiteley, George Willard, John M. S. Williams, William Williams, James Wilson, and Pierce M. B. Young—135.

NAYS—Messrs. Archer, Ashe, Atkins, Banning, Barber, Beck, Bell, Bradley, Bromberg, Buckner, Burchard, Burleigh, Caldwell, Cannon, Cason, Coburn, Crittenden, Danford, Duell, Garfield, Giddings, Glover, Gooch, Gunckel, Henry R. Harris, Hatcher, Hunter, Hunton, Hyde, Lawson, Leach, Loughbridge, James W. McDill, MacDougall, Milliken, Moore, Morrison, Nunn, Orth, Packard, Pratt, Robbins, Ellis H. Roberts, Sawyer, Henry B. Saylor, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Straik, Tyner, Vance, Whitehead, Whitthorne, Charles W. Willard, Willie, and Woodworth—58.

NOT VOTING—Messrs. Adams, Barnum, Begole, Berry, Blount, Brown, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Cotton, Cox, Crocker, Curtis, Davis, DeWitt, Donnan, Eden, Elliott, Farwell, Freeman, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harner, John T. Harris, Havens, Hays, Gerry W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hurlbut, Jewett, Killinger, Knapp, Lamison, Lansing, Lofland, Marshall, McCrary, McJunkin, McKee, McLean, McNulta, Mills, Mitchell, Myers, Neal, Nesmith, Orr, Packer, Hosea W. Parker, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Ray, Read, William R. Roberts, James W. Robinson, Milton Saylor, John G. Schumaker, Scofield, Lazarus D. Shoemaker, Sloan, Small, Smart, William A. Smith, Standiford, Starkweather, Stephens, St. John, Storm, Swann, Taylor, Waddell, Wheeler, White, Wilber, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, and John D. Young—96.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed

the House that the Senate had passed without amendment bills of the following titles:

The bill (H. R. No. 2198) for the relief of the heirs at law of William S. Brashears, an officer of the Texas navy;

The bill (H. R. No. 3534) to change the times of holding the circuit and district courts at the City of Evansville; and

The bill (H. R. No. 3327) to provide for the improvement of Oostanaula River, in the State of Georgia.

The message further announced that the Senate had passed the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners of the Vienna exposition appointed under authority of the joint resolution approved February 14, 1873; in which the concurrence of the House was requested.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 294) for the relief of Joab Bagley;

An act (H. R. No. 763) for the relief of Oliver P. Mason;

An act (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

An act (H. R. No. 1410) to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts;

An act (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased;

An act (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri;

An act (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands to the county of Scott, in the State of Missouri;

An act (H. R. No. 2349) for the relief of Burke and Kunkle;

An act (H. R. No. 2791) granting a pension to Franklin Stoner;

An act (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

An act (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

An act (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution;

An act (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas;

An act (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828;

An act (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; and

An act (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

#### ANDREW MASON.

The next business on the Speaker's table was the bill (H. R. No. 3023) for the relief of Andrew Mason, returned from the Senate with amendments.

The amendments of the Senate were read, as follows:

In line 3, after the word "processes," insert the words "heretofore and hereafter to be."

In lines 4 and 5, after the words "New York," insert the words "or elsewhere."

Mr. HOOPER. I move that the rules be suspended and the amendments of the Senate be concurred in.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the amendments of the Senate were concurred in.

#### RECESS.

Mr. ELDREDGE. I move that the House now take a recess for one hour.

The question was taken, and the motion was not agreed to.

#### COURTS IN UTAH.

The next business on the Speaker's table was the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah, returned from the Senate with amendments.

Mr. POLAND. I move that the rules be suspended and the amendments of the Senate be concurred in.

Mr. CROUNSE. Is it in order to call for the reading of the bill?

The SPEAKER. Strictly speaking it is not in order to call for the reading of the original bill, for the House is supposed to understand what it has passed. But it is proper to call for the reading of so much of the bill as will render intelligible the effect of the amendments made to the bill by the Senate.

Mr. POLAND. The Senate have struck out so much of it that I think my friend from Nebraska [Mr. CROUNSE] will be satisfied.

The amendments of the Senate were read, as follows:

Strike out after "divorce" in line 15, page 3, down to and including "fact" in line 6, page 4.

On page 4, line 15, after "court" insert:

Nothing in this act shall be construed to impair the authority of the probate court to enter land in trust for the use and benefit of the occupants of the towns in the various counties of the Territory of Utah, according to the provisions of an act for the relief of the inhabitants of cities and towns upon public lands, approved March 2, 1867, and an act to amend an act entitled "An act for the relief

of the inhabitants of cities and towns upon the public lands," approved June 8, 1839; or to discharge the duties assigned to the probate judges by an act of the Legislative Assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled 'An act for the relief of inhabitants of cities and towns upon the public lands.'" "

Page 5, line 10, after "appeals" insert:

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment, or convicted of bigamy or polygamy.

Page 8, line 4, after "challenges" insert:

Except in capital cases where the prosecution and the defense shall be allowed fifteen challenges.

Page 8, line 4, strike out all after "challenges" in line 4 down to and including "same" in line 8.

Strike out section 7.

Mr. POLAND. I move that the rules be suspended and the amendments of the Senate concurred in. A great deal that was good in the bill has been struck out by the Senate, and a great deal that is good is still left in it.

Mr. CROUNSE. I do not think there are half a dozen members in the House who understand the effect of these amendments. I call for the reading of the bill as amended.

Mr. POLAND. I move to suspend the rules so as to dispense with the reading of the bill and to concur in the amendments of the Senate.

Mr. CROUNSE. I move that the House take a recess for three quarters of an hour, during which time members may have an opportunity to examine the amendments of the Senate.

The SPEAKER. That motion is not in order pending a motion to suspend the rules.

Tellers were ordered; and Mr. POLAND and Mr. CROUNSE were appointed.

The House divided; and the tellers reported that there were—ayes 112, noes 36.

So the motion to suspend the rules was seconded.

The question was upon seconding the rules and concurring in the Senate amendments.

Mr. ELDREDGE. On that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 21, noes 96; not one-fifth in the affirmative.

Before the result of this vote was announced,

Mr. ELDREDGE called for tellers on ordering the yeas and nays.

Tellers were not ordered, there being 22 in the affirmative, not one-fifth of a quorum.

So the yeas and nays were not ordered.

The rules were then suspended, (two-thirds voting in favor thereof,) and the amendments of the Senate were concurred in.

#### REPORTS FROM THE COMMITTEE ON AGRICULTURE.

Mr. CAIN, from the Committee on Agriculture, presented reports upon a memorial in behalf of the agricultural labors of the South and West, and a petition of Professor Edward Powers for producing rain by firing artillery; which reports were ordered to be printed, and recommitted to the Committee on Agriculture.

#### NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. BUTLER, of Massachusetts, presented the annual report of the board of managers of the National Home for Disabled Volunteer Soldiers for 1873; which was ordered to be printed, and referred to the Committee on Military Affairs.

#### ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

An act (H. R. No. 2798) for the relief of John J. Hayden;

An act (H. R. No. 2909) to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route;

An act (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

An act (H. R. No. 3091) to release J. W. Bennett from political disabilities;

An act (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

An act (H. R. No. 3253) to remove the political disabilities of Richard J. Allison, of Maryland; and

An act (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company.

Mr. DARRALL, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 683) to authorize the use of gilt letters for the names of vessels; and

An act (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

#### ORDER OF BUSINESS.

Mr. BECK. I move that the House now take a recess until three o'clock.

Mr. WOODFORD. I trust not; there are one or two bills on the Speaker's table which absolute justice requires should be passed. They have already been examined by committees of this House and lie next upon the table.

#### RECESS.

The SPEAKER. The pending motion is that of the gentleman from Kentucky [Mr. BECK] for a recess until three o'clock.

Mr. MAYNARD. Before a recess is taken—

Mr. SENER. I object to any debate.

The motion was not agreed to.

#### TARIFF BILL.

Mr. CONGER. I move that the Senate be requested to return to the House the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

Several members objected.

#### BRIDGE OVER WILLAMETTE RIVER.

The next business on the Speaker's table was the bill (S. No. 775) to authorize the construction of a bridge over the Willamette River at Portland, in the State of Oregon.

The bill was read, as follows:

*Be it enacted, etc.,* That it shall be lawful for the Oregon and California Railroad Company of Portland, Multnomah County, in the State of Oregon, or for the said company jointly with the Oregon Central Railroad Company of Portland, in said State, on such terms as to division of expense as may be agreed upon between said companies, to build a railroad bridge across the Willamette River at the city of Portland, in said county of Multnomah, at a point to be selected and determined by the said railroad company or companies constructing such bridge: *Provided*, That there shall be placed in said bridge a draw of not less than three hundred feet in width, with a center abutment not to exceed fifty feet wide, and ten feet above the water line, leaving a passage on each side of the abutment of not less than one hundred feet in width, and so constructed as not to impede the navigation of said river, and allow the easy passage of vessels through said bridge. Such bridge shall be so constructed as to have a wagon and foot-way below the railroad-track: *Provided further*, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously affect the navigation of the river; and in order to secure a compliance with these conditions, the corporation, association, or company proposing to erect the same, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously affect the navigation of the river: *Provided further*, That the Secretary of War may detail an officer to superintend the survey and examination of said river with a view to said location.

SEC. 2. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and other information, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the prescribed conditions of this act, not to obstruct, impair, or injuriously affect the navigation of said river, to notify the said corporation, association, or company proposing to erect the same that he approves of the same; and upon receiving such notification the said corporation, association, or company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War approve the plan and location of said bridge, and notify the said corporation, association, or company of the same, the bridge shall not be built or commenced.

SEC. 3. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved; and the expense of all improvements or repairs at any time made shall be borne by the company or companies constructing said bridge.

Mr. DUNNELL. I wish to inquire if this bill has been before the Committee on Commerce?

Mr. CONGER. A bill similar to this was reported by the Committee on Commerce and was passed by the House. The Senate in this bill has added in detail, so far as applicable, the restrictions which we impose upon bridges over the Ohio and Mississippi, which had been done in shorter language in our bill. There is no objection to passing this bill. I move that the rules be suspended and the bill passed.

The motion was agreed to, two-thirds voting in favor thereof.

#### A. H. VON LUETTWITZ.

The next business on the Speaker's table was the bill (S. No. 633) for the relief of A. H. von Luettwitz.

The bill was read. The preamble states that A. H. von Luettwitz, late a first lieutenant in the Third United States Cavalry, who was cashiered from the United States service by sentence of a general court-martial on the 8th day of July, 1870, has established his innocence of the charges upon which he was so cashiered the United States service. The bill therefore directs the Secretary of War to amend the record of the said A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service. But nothing is to be paid to him for the interval of time from the 8th day of July, 1870, until the passage of the act.

Mr. WOODFORD. I move that the rules be suspended and that this bill be passed.

Mr. SPEER. I hope that the gentleman will give us some explanation of it.

Mr. WOODFORD. The bill has been examined by the House Committee on Military Affairs, and is identical with a bill reported in this House.



The motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

#### COMMITTEE ON WAR CLAIMS.

Mr. LAWRENCE. I am instructed by the Committee on War Claims to report a resolution and to ask that it be passed. The resolution was prepared by the gentleman from North Carolina, [Mr. COBB,] and the committee directed it to be reported to the House. If adopted, it does not necessarily follow that a sub-committee will be appointed. The committee will consider the propriety of it. I do not intend now to say such sub-committee should or should not be appointed; but it is safe to give the committee power to do so if deemed best. There are some claims about which it may be desirable to take testimony in order to protect the Government. And I am ready to give to the people of the South every fair means of having their claims considered and justice done them. I would build up the waste places made desolate by the war; I would be just and generous to the people of the South. We belong to one common nationality, and it is alike duty and interest to cultivate fraternity and good will. Besides this, the material interests of the South should be cared for. This is essential to the prosperity of our people North and South. The North want to trade with the South. And especially now do I desire that every just claim should be paid. I want no delay. Whatever is due should be paid, and speedily paid. It is a crying shame that some tribunal is not provided that can without delay consider all claims and pass on them. It is better to do it now before evidence perishes.

I offer the following:

*Resolved*, That the Committee on War Claims be, and it is hereby, authorized to investigate during the recess of the present Congress the practical workings of the act creating the commissioners of claims and the acts amendatory thereof, and for this purpose to appoint a sub-committee, which shall be authorized to sit during the recess, which may proceed to such points in the States lately declared in insurrection as may be deemed advisable, and in the prosecution of this inquiry to subpoena witnesses, send for persons and papers, administer oaths, and take testimony, the expense of which shall be paid from the contingent fund of the House on the order of the chairman; and the said committee shall report at the commencement of the next session of the present Congress the result of their investigation and recommend what legislation, if any, in their judgment is necessary to secure to the loyal people in said States lately declared in insurrection the substantial justice contemplated in the acts named.

Objection was made.

#### RECESS.

Mr. HEREFORD. I move that the House take a recess until a quarter after three o'clock this afternoon.

The motion was agreed to; and accordingly (at ten minutes before three o'clock) the House took a recess.

The recess having expired, the House resumed its session.

#### NOTIFICATION TO THE PRESIDENT.

Mr. MAYNARD submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That a committee of three members of the House be appointed to join a similar committee on the part of the Senate, to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

The SPEAKER subsequently announced the appointment of Mr. MAYNARD, Mr. WILSON of Indiana, and Mr. COX, as the committee on the part of the House.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 554) for the relief of William J. Blackstone, of Saint Mary's County, Maryland;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 3023) for the relief of Andrew Mason;

An act (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

An act (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia;

An act (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia; and

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles, without amendment

An act (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

An act (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas; and

An act (H. R. No. 3025) supplementary to the act entitled "An act

to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

It further announced that the Senate had passed a bill of the following title, with an amendment in which the concurrence of the House was requested:

An act (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

#### WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next business on the Speaker's table was the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, returned from the Senate with the following amendment:

Strike out the following:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof insert the following:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized, so that whenever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek in the valley of said creek, passing west of the P-street bridge by a tunnel through the hill west of the P-street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. RICE. I move that amendment of the Senate be concurred in.

The motion was agreed to; and the amendment of the Senate was concurred in.

#### DEFENSE OF SPEAKER AGAINST SUITS.

Mr. WILSON, of Indiana, by unanimous consent, submitted a resolution; which was read, as follows:

*Resolved*, That the House assume the defense of the Speaker and the Sergeant-at-Arms in the suits against them by Joseph B. Stewart for alleged false imprisonment while in custody, under the order of the House, as a recusant witness, in February, 1873, recently decided against Stewart by the supreme court of the District of Columbia, and the expenses of said defense be paid by the Clerk from the contingent fund of the House, upon the approval of the Committee on Accounts.

The SPEAKER. The Chair desires to make a brief statement. After the adjournment of the session last March a writ was served upon the Speaker, and afterward on the Sergeant-at-Arms, by Joseph B. Stewart, claiming \$100,000 damages for false imprisonment. The Speaker of the House of the Forty-second Congress—the present occupant of the chair—immediately transmitted the papers to the Attorney-General's office. Of course he had no authority as Speaker to say so, but he ventured to say that if any expenses attended the defense of the House in this respect, these it might be expected would be provided for by order of the House. It is in pursuance of that that the gentleman from Indiana offers the resolution.

Mr. MAYNARD. I am very glad that the suit has been brought. It will enable the judiciary department of the Government to pass upon the authority of the officers of the House. It will be a case analogous in this country to one brought against the speaker of the House of Commons in England which settled the authority of the officers of the House of Commons. This will pass into the reports as a valuable precedent.

The case I refer to is *Burdette vs. Abbott*, 14 East., 1, decided in 1811. The imprisonment in that case was of one of the members of the House of Commons, sentenced for breach of privilege, and is very instructive. The defendant was speaker of the house, and signed the warrant for the plaintiff's arrest.

The SPEAKER. The Chair is informed that the expenses connected with the suit have not been at all considerable.

There being no objection, the resolution was adopted.

#### BENJAMIN E. SHEPPARD.

Mr. LEWIS, by unanimous consent, introduced a bill (H. R. No. 3782) for the payment of \$134.07 to Benjamin E. Sheppard, late route agent, &c.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### TIME FOR FINAL ADJOURNMENT.

The SPEAKER. The Chair desires to make a communication to the House. He is this moment informed by the principal enrolling clerk of the House that it will not be mechanically possible to have the sundry civil appropriation bill enrolled in time for a final adjournment at four o'clock. The enrollment has been a very prolonged and laborious work, the amendments being so numerous and complicated.

Mr. SENNER. If it be in order to move to extend the session to six o'clock, I make that motion.

The SPEAKER. The Chair will ascertain in a moment what time the enrolling department consider necessary for the completion of their work.

#### CHANGE OF NAME OF SCHOONER.

Mr. CONGER. While the House is waiting for that I ask unani-

mous consent to take from the Speaker's table and pass the bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and to be registered under that name.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. RANDALL. I hope no more bills will be passed. It only increases the work in the enrolling department.

#### TIME OF FINAL ADJOURNMENT.

The SPEAKER. The Chair, from what he is informed by the enrolling clerk, thinks the extension of the session ought to be to at least half past five o'clock.

Mr. STOWELL. I doubt if that will be sufficient. The post-route bill has not yet come down from the Senate.

The SPEAKER. The Chair, from what has been stated in regard to the post-route bill, as well as the sundry civil bill, thinks that six o'clock would be a better hour to fix for the final adjournment, and if it is not desired to transact further business, the Chair would suggest that the hour of final adjournment be extended to six, and that a recess be taken.

Mr. RANDALL. I offer the following concurrent resolution:

*Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of Congress by adjourning their respective Houses on the 23d of June, 1874, at six o'clock p. m.*

The SPEAKER. If the House shall agree to that resolution, and if it is understood that the post-route bill when it comes over from the Senate may be sent to the Speaker for his signature, the Chair thinks it will be safe to take a recess.

Mr. NIBLACK. I move to amend the concurrent resolution so as to make it eight instead of six.

The SPEAKER. The Chair thinks there will be ample time allowed by extending the session until six.

The concurrent resolution was adopted.

#### MESSAGE FROM THE SENATE.

A message was subsequently received from the Senate, by Mr. SYMPSON, one of their clerks, informing the House that the Senate had agreed to the concurrent resolution of the House of Representatives extending the time of the final adjournment to six o'clock p. m.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 3604) to establish certain post-routes.

#### RECESS.

Mr. CLYMER. I now move that the House take a recess until five o'clock.

The motion was agreed to.

And accordingly (at three o'clock and thirty minutes p. m.) the House took a recess until five p. m.

The recess having expired the House resumed its session at five o'clock p. m.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon its amendment to the resolution of the House for printing the report of the Commissioner of Education, disagreed to by the House of Representatives, agreed to the conference asked by the House, and had appointed Mr. ANTHONY, Mr. HOWE, and Mr. SAULSBURY the committee on the part of the Senate.

#### PRINTING REPORT OF COMMISSIONER OF EDUCATION.

Mr. MONROE. I present the report of the committee of conference on the disagreeing votes of the two Houses on the concurrent resolution for printing the report of the Commissioner of Education.

With the permission of the House I will state in a word the situation in which the matter is left. The House ordered the printing of twenty thousand copies. The Senate amended the resolution by making the number five thousand, which was a considerable difference. The House disagreed to that amendment, and asked for a committee of conference. In the committee of conference it was found impossible to get any increase of this number in the Senate, although the Committee on Printing in the Senate would be very glad to have a larger number; and while I am almost ashamed to submit to the number being cut down from twenty thousand to five thousand yet it is much better to have that number than to have none, and as it will enable the Commissioner to supply teachers of schools during the summer with copies, as he has been in the habit of doing, we have thought it best to get what we could.

The Clerk read the report of the conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the House concurrent resolution for printing the report of the Commissioner of Education having met, after full and free conference agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said resolution and agree to the same.

JAMES MONROE,  
EPPA HUNTON,  
*Managers on the part of the House.*  
HENRY B. ANTHONY,  
ELI SAULSBURY,  
TIMOTHY O. HOWE,  
*Managers on the part of the Senate.*

#### PENSIONS AND PAY OF NURSES.

Mr. HAWLEY, of Connecticut, by unanimous consent, presented memorials in relation to pensions and the payment of nurses, and asked unanimous consent that they be printed in the RECORD.

No objection was made.

The memorials are as follows:

BOSTON, June 1, 1874.

To the honorable Senate and House of Representatives in Congress assembled:

The undersigned, commander-in-chief of the Grand Army of the Republic, respectfully represents that the organization of which he is the chief executive officer is composed of many thousand citizens, each of whom served in the Army or Navy of the United States during the war of the rebellion; that the objects of the order are fraternal and benevolent; and that at the annual session of the National Encampment, May 13, 1874, the following preamble and resolutions were unanimously adopted:

"Whereas it appears that great injustice and hardships are inflicted upon our comrades in arms by the insufficiency of pensions paid to wounded and disabled soldiers: Now therefore be it

*Resolved*, That it is the solemn conviction of the representatives of the Grand Army of the Republic that pensions should be increased in every grade, that all of the totally disabled should receive a sum sufficient for their maintenance, and that all other grades of disability should be so increased in due proportion that these brave men may not become objects of charity so long as they may survive.

*Resolved*, That the commander-in-chief be requested to forward a copy of this resolution, in such terms as in his judgment he may see fit, to the President of the Senate and the Speaker of the House of Representatives of the United States, and ask that Congress take immediate and favorable action thereon."

In accordance therewith, I do hereby respectfully petition your honorable body to make provision for the disabled soldiers of the late war, as therein requested.

CHARLES DEVENS, Jr.,

Commander-in-Chief Grand Army of the Republic.

BOSTON, June 10, 1874.

To the honorable the Senate and House of Representatives in Congress assembled:

The following preamble and resolution were adopted by the eighth National Encampment of the Grand Army of the Republic:

Whereas a bill (No. 1555) has been introduced in the House of Representatives providing for certain compensation to the female nurses of the Union soldiers during the late war: Therefore,

*Be it resolved*, That the National Encampment, recognizing their self-sacrificing devotion and faithful labors, most earnestly urge upon the Congress of the United States the passage of the said bill.

I respectfully request their consideration by your honorable bodies.

CHARLES DEVENS, Jr.,

Commander-in-Chief.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 321) reorganizing the several staff-corps of the Army;

An act (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name;

An act (S. No. 600) for the relief of Captain James B. Thompson; and

An act (S. No. 775) to authorize the construction of a bridge over the Willamette River, at Portland, in the State of Oregon.

Mr. PENDLETON, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 921) to prevent the useless slaughter of buffaloes within the Territories of the United States;

An act (H. R. No. 2198) for the relief of the heirs-at-law of William C. Brashear, an officer of the Texas navy;

An act (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

An act (H. R. No. 3016) granting a pension to Ira Douthart;

An act (H. R. No. 3023) for the relief of Andrew Mason;

An act (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

An act (H. R. No. 3096) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

An act (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

An act (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia;

An act (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas;

An act (H. R. No. 3403) to remove the political disabilities of L. L. Lomax, of Virginia;

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers;

An act (H. R. No. 3534) to change the times of holding the circuit and district courts at the city of Evansville; and

An act (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.



## RECESS.

Mr. WILLARD, of Vermont. I move that the House take a recess until five minutes to six o'clock.

The SPEAKER. The Chair would suggest that perhaps that would leave too short a time for the closing business of the session.

Mr. WILLARD, of Vermont. Then I will move that the House take a recess until half past five o'clock.

Mr. CONGER. I understand that a resolution is coming from the Senate asking for a further extension of the session until nine o'clock. If we take this recess as proposed, it is doubtful if the post-route bill can be brought in and signed.

The SPEAKER. The proposition now is to take a recess until half-past five o'clock, and that will leave half an hour for the closing business which the Chair thinks will be sufficient. It is doubtful if there is a quorum present, and the Chair cannot allow any business to be done under any circumstances without the presence of a quorum. It requires unanimous consent to take a recess without a quorum.

By unanimous consent the motion of Mr. WILLARD, of Vermont, was agreed to, and thereupon, (at ten minutes past five o'clock p. m.,) the House took a recess until half past five o'clock p. m.

## AFTER THE RECESS.

The recess having expired, the House reassembled at five o'clock and thirty minutes p. m.

## APPOINTMENTS BY THE SPEAKER.

The SPEAKER. It is the duty of the Chair to nominate for the biennial term two directors of the Columbia Hospital. For the ensuing two years the Chair nominates JAMES A. GARFIELD, of Ohio, and SAMUEL J. RANDALL, of Pennsylvania.

The Senate has sent a message to the House that under the law lately passed providing for a joint committee to frame a form of government for the District of Columbia, the President *pro tempore* had appointed LOT M. MORRILL, of Maine, and WILLIAM T. HAMILTON, of Maryland, as members of the committee on the part of the Senate. The Chair nominates as the members on the part of the House, EBENEZER ROCKWOOD HOAR, of Massachusetts, and ALEXANDER MITCHELL, of Wisconsin.

The sundry civil appropriation bill contains a provision for an equestrian statue of General Nathaniel Greene, and directs the President of the Senate and the Speaker of the House each to name a member of their respective bodies to serve as a commission to execute that provision of the act. The Chair names as the member of the commission on the part of the House BENJAMIN T. EAMES, of Rhode Island.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the concurrent resolution of the House to print extra copies of the report of the Commissioner of Education.

The message further announced that Mr. EDMUNDS, Mr. ANTHONY, and Mr. BAYARD had been appointed a committee on the part of the Senate to join the committee appointed on the part of the House of Representatives to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn.

The message also announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities; and

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

## ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities; and

A bill (H. R. No. 3604) to establish certain post-routes.

## REPORT OF THE COMMITTEE TO WAIT ON PRESIDENT.

Mr. MAYNARD. The committee appointed on the part of the House to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses are ready to adjourn have performed that duty, and conveyed to him the expression of the two Houses of a desire to know if he had any further communication to make to them during the present session. He informed us that he had no further communication to make, tendered us his congratulations, and gave us a parting salutation.

## ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

The message further announced that the Senate had passed and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 781) to relieve James L. Pugh, of Alabama, of his political disabilities; and

A bill (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture.

## JAMES L. PUGH.

Mr. CALDWELL. I ask unanimous consent to take from the Speaker's table and pass at this time Senate bill No. 781, to relieve James L. Pugh, of Alabama, of his political disabilities.

Mr. RAINEY. I think I must object at this late hour of the session.

Mr. HAYS. I hope no one will object.

Mr. RAINEY. I withdraw my objection.

The bill was taken from the Speaker's table by unanimous consent, read three times, and passed, two-thirds voting in favor thereof.

## FINAL ADJOURNMENT.

The SPEAKER. By concurrent resolution of the two Houses, the final adjournment of this session is ordered for Tuesday, June 23, at six o'clock p. m. That hour has arrived. Wishing you all, gentlemen, a safe and happy return to your homes and families, I now declare the first session of the Forty-third Congress adjourned without day.